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THE

UNITED STATES AND INTERNATIONAL

PATENT OFFICE

MANUAL.

DIRECTIONS FOR OBTAINING LETTERS PATENT.

AMERICAN AND FOREIGN PATENT LAWS.

AND MUCH OTHER USEFUL INFORMATION.

PUBLISHED BY

FITCH & CO.,

DIRECTORS OF THE

UNITED STATES AND INTERNATIONAL PATENT OFFICE,

21 Park Row, New York.

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THE

United States and International

PATENT OFFICE,

21 Park Row, New York.

THE PURPOSE OF THIS OFFICE.

In order to facilitate the transaction, by inventors and others interested in patents, of patent business correctly and speedily with the Patent Office at Washington and in foreign countries, it has been thought advisable to establish an office in the City of New York, where applicants may have the advantage of skilled and experienced solicitors, and the best attainable professional counsel and assistance, in obtaining patents for new inventions, and in all matters connected with our Patent Laws.

Inventors and all interested in patents are thus provided the opportunity of avoiding the evil consequence of falling into the hands of incompetent or unfaithful patent agents.

ANOTHER SPECIAL ADVANTAGE

Secured at this office is that of assistance to inventors in completing their unperfected inventions. Many persons have the faculty of invention who have not the mechanical skill to construct

mechanism so as to fully reduce their inventions to practice. At this office, under the seal of professional secrecy and confidence, such persons will find the aid they need. The plan and operations of this department of the office are more fully stated on the second page *of cover*, to which the reader is referred.

WHY LOCATED IN NEW YORK.

This office has been located in the City of New York for the reason that this city being the great commercial centre of the country, the facilities for both communicating with and applying personally at the office from all parts of the Union are really greater than they would be at any other place, however centrally located geographically.

IMPORTANCE OF DOING BUSINESS CORRECTLY.

It is very important that, in transacting any business with the Office at Washington, its rules and regulations should be carefully and strictly complied with; as thereby delays are avoided, and the labors of the Commissioner of Patents, and his subordinate officers and assistants, are materially lessened.

But it is especially important in making the necessary preparations for filing caveats and applying for letters patent; for the reissue and amendment of defective patents; for the extension of patents just expiring, and for prosecuting interferences, that not only the rules and regulations of the Office are complied with, but that the entire subject-matter in hand should be thoroughly comprehended in all its bearings and relations, and that the requisite papers should be so drawn as to secure fully, and with definiteness and certainty, the right and interest of the applicant. To do this in all cases, considering the variety and extent of the multiplied patentable inventions and discoveries of this inventive age, demands an intimate knowledge of the entire field of patent law, mechanics, the sciences and arts, and convenient and ready access to all sources of information relating to existing patents and inventions in practical use.

Many valuable inventions are substantially lost to their originators by the unskilful manner in which they are presented and prosecuted before the Patent Office.

INVENTORS AND OTHERS ARE THEREFORE ADVISED

To avail themselves of the reliable assistance which is furnished to them, at a low ratio of expense, at this office, in preparing all necessary papers for the transaction of any and all business they

may desire to do with the Patent Office at Washington, relating to—

1st. The obtaining of letters patent for new and useful *inventions* and *discoveries*, for *Designs* and for *Trade Marks*.

2d. The surrender of defective letters patent and applying for a reissue of the same upon amended specifications.

3d. The prosecuting of interferences before the Patent Office at Washington, between inventors claiming the same invention.

4th. Applying for the extension of letters patent that are about expiring.

5th. Renewing rejected applications.

6th. Making new applications in cases where the patent has been allowed, and the final fee has not been paid before the expiration of six months from the date of the allowance.

7th. Making and prosecuting appeals from the primary examiners to the examiners-in-chief ; from the examiners-in-chief to the Commissioner of Patents, and from the Commissioner of Patents to the Supreme Court.

8th. Furnishing inventors and others with all the information from the records of the Patent Office in Washington, and from other sources, that they may require to determine whether inventions for which patents are desired are new and patentable.

9th. Making examinations to determine whether patents already obtained are valid and safe.

10th. Preparing assignments and transfers of patents, licenses, etc., and procuring them to be duly recorded in the Patent Office at Washington.

11th. Transacting any other business at the Patent Office at Washington for inventors.

12th. Examining patents and giving opinions as to their validity and soundness.

General Directions

FOR

DOING BUSINESS WITH THIS OFFICE.

I.

TO ASCERTAIN IF AN INVENTION IS PATENTABLE.

ADVICE is given at this office, when requested, as to the patentability of any invention, preliminary to making application for a patent. Usually, if the invention is not new, our examiner is able to refer at once to the patent or to the publication where it is to be found. In such cases the information will be given without charge.

If an examination of the patent records shall be found necessary to determine whether it has been already patented in this country, a fee of $5, the cost only of making it, is charged. This must be remitted with the order for the examination. A model drawing, or, when not complicated, a mere pencil sketch of the invention, with a plainly written description of it, will enable us to determine upon its patentability.

It should be understood, however, that it does not necessarily follow that a patent can be obtained for an invention because it has not already been patented in this country. It may have been patented abroad; or it may have been described in some printed publication; or it may be found described in our own Patent Office, in the specification, drawing, or model filed with an application that has been rejected. In either case a patent will be denied.

But the better course is, after it is ascertained that no patent has been issued in this country for the same thing, to file at once a full application, and let the examining officers at the office in Washington complete the examination among rejected applications, foreign patents, and printed publications. This usually saves both time and expense.

II.

FOR OBTAINING LETTERS PATENT FOR NEW INVENTIONS.

In applying for a patent, the Office at Washington requires the observance of certain formalities. The responsibility of seeing that these formalities are fully complied with rests with this office, and the applicant need give himself no care or trouble in regard to the matter.

It is only necessary for him to send by mail or otherwise a full description of his invention, with a model, if he pleases, or a drawing or sketch representing it. If, however, he can conveniently come to the office and describe his invention in person, it is preferable for him to do so, as most inventors can more satisfactorily explain their inventions orally than they can by writing. Besides, a personal interview affords an opportunity for the solicitor or expert to suggest changes, alterations, or additions, that may sometimes enable the applicant to procure a patent when he could not do so without them.

When the applicant has fully communicated his invention to this office, either orally, on paper, or by a model, all the necessary papers and drawings are prepared here. They can then be executed at this office (a notary being always in attendance to administer the required oath), or at applicant's own residence in any part of the country. The papers will be forwarded to him for this purpose, with full instructions. When executed, he will return them to this office by mail, when this office takes entire charge of the case, presents and prosecutes it at the Office at Washington, and through its branch office there superintends it in all stages of its progress, and transacts all business in relation to it.

III.

COST OF OBTAINING A PATENT.

The first government fee required on filing the application for a patent is	$15 00
Stamps	1 00
Total	$16 00

This sum must be remitted to this office when the request is sent to prepare the papers.

After the papers are prepared, and executed by the applicant as above stated, and are ready to forward to the Office at Washington, a solicitor's fee of $25, in simple cases, is to be paid at this office. If the papers are necessarily lengthy, or elaborate and expensive drawings are required, the fee is larger, up to $35, and sometimes more in very important cases involving extraordinary labor.

After the patent has been allowed, a second government fee of $20 has to be paid, which payment may be made at any time within six months after such allowance, the patent being forwarded to us by the Office at Washington, and by us to the patentee as soon as (but not until) this second fee is paid.

This makes the entire cost of applying for a patent in ordinary cases, through this office, $41,—and of the patent when obtained, $61.

IV.

MODELS.

Since the passage of the recent patent law, models are not necessarily required, it being optional with the Commissioner of Patents to require them or not. If the invention is a simple one, that may be clearly understood from the drawings and specifications, it is not customary to require one; but when the invention is embodied in complicated mechanism, it is always prudent to provide a model in the first instance. It may be forwarded directly to this office by express or otherwise, *with transportation charges always prepaid.*

V.

FOR OBTAINING PATENTS FOR DESIGNS.

The provisons of our laws relating to the granting of patents for designs are not as generally known as they ought to be. The benefits which they secure are very important and valuable, and they are quite too generally neglected. Very often a patent for a design may be obtained that will give the author of it substantially as valuable a monopoly of an article of manufacture as would a patent for the same thing as a new mechanical invention, when perhaps the latter cannot be obtained.

The law provides that any person who by his own industry, genius, effort and expense, has invented any new and original manufacture, bust, statue, alto-relievo or bas-relief—any new and original design for the printing of woolen, silk, cotton, or other

fabric, any new and original impression, ornament, pattern, print or picture to be printed, painted, or cast, or otherwise placed or worked into any article of manufacture; or any new, useful and original shape or configuration of any article of manufacture, the same not having been known or used by others before his invention or production thereof, or patented or described in any printed publication, may obtain a patent therefor.

Thus it will be seen that the law is very broad and liberal, opening a wide field for the exercise of ingenuity in the production of new forms. If the inventor or the manufacturer who does not perhaps suspect that he has the faculty of invention, finds himself producing an article not possessing sufficient novelty in mechanical construction to authorize the issue of a patent for it as a new invention or manufacture, he has only to give to it some novel and useful shape or conformation, when a patent may be had for it as a new design, which will give him an effectual and substantial monopoly of it. The attention of inventors and manufacturers is especially directed to this provision of the law.

Patents for designs are granted for three years and six months, or for seven years, or for fourteen years, as the applicant may elect; but his election must be made at the time of his filing his application.

Models of designs are not required except when they cannot be represented by drawings or photographs.

To obtain a patent for a design it is only necessary to forward to this office an accurate drawing or a plain photograph of it. If a photograph is sent, the *negative* must be forwarded with it. All the necessary papers are prepared here. The applicant may call at the office and execute them, or they will be forwarded to him for that purpose. A personal application at the office is recommended when convenient. But with those residing at a distance the entire business can be done by mail.

The entire expenses for obtaining this kind of a patent are as follows:—

For two years and six months	$20 00
For seven years	25 00
For fourteen years	40 00

The fee should invariably be remitted to this office with the drawings or photographs. In all cases the applicant will give his full name (including middle name or names, if any). The drawings must not be folded or mounted; simply rolled up and secured in a closed envelope. Any further information in regard to this subject will be given on request.

VI.

FOR OBTAINING PROTECTION FOR TRADE-MARKS.

By the Patent Laws of 1870, for the first time in this country, Trade-marks are protected.

The provision is, that any person or firm domiciled in the United States, and any corporation created by the authority of the United States, or of any State or Territory thereof, or any person, firm, or corporation, resident of or located in any foreign country which by treaty or convention affords similar privileges to citizens of the United States, and who are entitled to the exclusive use of any lawful trade-mark, or who intend to adopt and use any trade-mark for exclusive use within the United States, may obtain protection for such lawful trade-mark by complying with certain requirements. This protection continues for a term of thirty years, and may then be renewed for a second term of thirty years. When, however, it is intended for merchandise not manufactured in this country, and is protected under the laws of some foreign country for a shorter term, the protection here expires with the foreign protection.

To obtain this protection, it is only necessary to forward to this office a full description, with six copies, which should be facsimiles of the trade-mark, stating how and upon what kind of article it is to be used; mentioning particularly the class of merchandise and the specific article comprised in said class which has been or is intended to be appropriated. State also the length of time, if any, during which the trade-mark has been used. Give in full the name and residence of the person, firm, or corporation desiring the protection.

The full fee, covering all expenses for obtaining this protection, is $35, which must be remitted to this office with the application.

All the necessary papers will then be prepared and sent to the applicant for execution. After they are signed they are returned to us, and very soon afterwards the certificate of protection will be issued and forwarded to him.

The exclusive right to use a trade-mark secured under this law is assignable, in the same manner and with like effect as a patent. Such assignment, in writing, must be recorded in the Patent Office at Washington within sixty days after its execution, otherwise subsequent *bona fide* assignees of the same right will obtain a good title to the same; and no action for the unlawful use of a trade-mark can be brought by an assignee until his assignment is recorded.

It is recommended that, when convenient, parties applying for

this protection should cali personally at this office for the purpose.

Any further information on this subject will be given on application to us.

VII.

CAVEATS.

The object of a caveat is to enable an inventor who has not entirely completed his invention for which he intends to apply for letters patent, to perfect his invention, or for any reason to delay making his formal application, while he is protected against any subsequent inventor of the same thing applying for and obtaining a patent without his knowledge. To this extent it is a protection, but no farther.

A caveat consists of a brief description of an invention, as far as the author of it has gone in completing it, usually accompanied by a drawing, with a petition and oath. No model is required. These papers are filed in the secret archives of the Patent Office at Washington, and no one besides the officials there, other than the inventor and his attorney, are allowed to see them. Then if at any time during one year an application comes into the office for a patent for a similar invention, it is the duty of the Commissioner to give the caveator notice of the fact, and then he must complete his application within three months from the date of the notice. During this time action upon the interfering application is suspended. When the caveator's application is completed, and it is then found that the two interfere, notice of the fact is given to each, and by a declaration of interference the question of priority is determined by proper proof, and the patent is given to the one who is in fact the first inventor.

A caveat is thus no protection against infringers; and when an invention is fully complete, the better plan is to prepare a full and complete application in the first instance; although patent agents sometimes recommend a caveat, because it gives them an additional fee. After the first year, caveats may be renewed indefinitely by paying $10 a year.

Inventors wishing it, will have caveats filed for them, in strict conformity with the rules of the Office at Washington (which is highly important), by sending to this office descriptions of their inventions, with drawings, sketches, or photographs, with $20, the required fees. The official fee at Washington is $10, and the cost of preparing the papers, drawings, &c., here, is from $10 to $15, depending upon the labor expended.

VIII.

REJECTED APPLICATIONS.

After two years from the time an application for a patent is rejected, the invention is deemed to be abandoned, and becomes public property. But at any time within the said two years the applicant is entitled to have his application reconsidered.

Patents are very often refused because the precise inventions for which they are asked are not accurately described and exactly defined in the specifications and claims. Those therefore who have failed to secure patents upon applications prepared by themselves or by inexperienced or unskilful patent agents, should not abandon their inventions without having their cause reviewed at this office, it being no part of the duties of the Patent Office at Washington to suggest such modifications or amendments as may be necessary to correct the errors of agents and secure the issue of patents.

There are in the Patent Office thousands of rejected cases, now abandoned and the inventions lost, for which valuable patents might have been secured if the requisite skill and knowledge of the subjects to which the inventions relate had been employed in preparing the specifications and prosecuting the applications. But there are also many that may yet be saved (not having been rejected for more than two years) by suitable and proper amendments or modifications, and a correct presentation of the cases to the Commissioner or the examiners.

Any applicants who desire to have rejected applications taken up and reconsidered, will address a request to this office to that effect, giving particulars, and all necessary directions will be immediately given him for doing so. A moderate fee is charged to cover the necessary labor and expense, which will be stated in each case.

IX.

FORFEITED APPLICATIONS.

The law requires that when an application has been allowed, the final fee of $20 must be paid within six months thereafter, otherwise the patent is withheld. After the expiration of said six months, if the final fee has not been paid, it is necessary, in order to obtain the patent, to make a new application and to pay another initial fee of $15 to the Patent Office, proceeding the same in all respects as when the application was first made. If such second application is not made *within two years* from the date of the forfeiture, the right to obtain the patent is lost, and the invention

becomes public property. Whenever an application is thus renewed, the applicant has the right to amend or change his claim.

In all of these forfeited cases the applicants should communicate with this office, and be advised as to whether their papers are properly drawn, and the claim so framed as to cover their actual invention, before renewing their applications. Immediate attention will be given to all these cases, and the necessary steps taken to obtain patents. Besides the fee required to be paid at the Office at Washington, a charge of $10 only will be made for the services performed at this office, unless the applicant should desire to have his papers redrawn, when an additional fee of $10 will be required.

X.

APPEALS.

When an application is filed in the Office at Washington, it is first examined by an official called a Primary Examiner. His duty is to ascertain if a patent, either in this country or abroad, has already been issued for a similar invention, or if the same has been described in a printed publication, or if it appears in any of the rejected cases in the Office, or if, to his knowledge, it is in public use, and has been for more than two years, or if it is described in any caveat on file in the Office, &c. If after such examination he allows the application, the patent is granted, and in due time is issued; but if he find, in his examination, anything which he regards as identical or similar, or if he considers, for any other reason, the alleged invention not patentable, he so reports, stating his reasons, and referring to the prior invention, and saying where it may be found, and the application is rejected.

Then, if the applicant is not satisfied with the decision of the Primary Examiner, he may appeal to the "Examiners-in-Chief," so called—there being three officials whose special duty it is to review the decisions of the Primary Examiners. If they allow the patent, reversing the decision of the Primary Examiner, that is the end of the matter, and the patent issues; but if they agree with the Primary Examiner, affirming his decision, refusing the patent, the applicant may appeal to and have the case reviewed by the Commissioner of Patents. If the Commissioner decides adversely to the application, the applicant has still the right to another appeal to the tribunal of last resort, the Supreme Court for the District of Columbia, whose decision is final.

To conduct these appeals before the several officials named, and before the Supreme Court, so as to secure with certainty to the appellant all his rights, requires skill, experience, tact, sound

judgment, and a complete knowledge of the whole field of Patent Law, as well as of the practice of the Patent Office.

The inventor, in case an application for a patent has been rejected, and he finds it necessary to appeal from the decision of the Primary Examiner to the Examiners-in-Chief, or from the latter to the Commissioner of Patents, or from the Commissioner to the Supreme Court, which is the tribunal of last resort, should in such cases communicate with this office, and secure the advantages here provided.

He can do so by a brief statement of his case, made either in person at the office, or in a letter by mail, when proper advice will be given to him, and the necessary steps taken to secure to him his patent in all cases where he is entitled to one.

The cost to him will depend upon the condition of his case, and the necessary labor and services required to carry his application through and secure the patent.

XI.

REISSUES.

It frequently happens that patents are issued upon specifications that do not exactly and definitely describe and claim precisely what the inventor has really invented. In such cases the inventor finds that his patent does not secure to him the exclusive right to his invention. He discovers, perhaps, after he has entered upon the business to which his invention relates, and invested capital in it, that his claim covers more than he is entitled to, and that it is therefore inoperative, because the claim extends to, and embraces what is in use or has been before patented, or has been published or described in some printed publication; or he finds that his claim is too narrow, not covering all that he has actually invented, and that his patent as granted may be easily invaded. Greatly to his disappointment he finds that his patent is no real protection to him, and that he is obliged to encounter a disastrous competition from others, who are making or using that of which he supposed he held the monopoly.

Our laws, with great liberality, provide a remedy for such defects in a patent. The inventor is permitted to surrender his patent, and file an amended specification with the claim so framed as to cover his true and actual invention. On discovering that he has obtained a defective patent, the inventor should not repeat his mistake by again applying to an incompetent patent agent. He is advised to at once communicate with this office, sending on his patent, and making as full and clear a statement as he can of what he himself thinks he is entitled to.

If, on examination, it is found that his patent may be strengthened by reissue, he will be so advised, and full directions given for the necessary steps to surrender his patent and obtain a reissue.

Under the provisions of the act of 1870, it is necessary that in all cases of applications for reissue the patentee himself should sign the papers, even though the patent may be exclusively owned by an assignee. This is a very unreasonable requirement, and will undoubtedly occasion many assignees much trouble. But such is the law, and it must be complied with. There is a provision, however, that in case the patentee is dead the application may be made by an assignee.

The fees in cases of reissue are, to the Government $30, to this office from $20 upwards to $35, depending upon the labor and necessary expenses to the office. The entire Government fee, the law provides, must be paid in advance, and if the application for the reissue is allowed, the patent will reissue without further cost or charge.

XII.

PROPER CAUTION TO INVENTORS.

The Commissioner of Patents at Washington gives to inventors the following very appropriate and valuable caution, to which their attention is here very specially invited:—

"As the value of patents depends largely upon the careful preparation of the specification and claims, the assistance of competent counsel will in most cases be of advantage to the applicant; but the value of their services will be proportioned to their skill and honesty. So many persons have entered this profession of late years, without experience, that too much care cannot be exercised in the selection of a competent man. The Office cannot assume responsibility for the acts of attorneys, nor can it assist applicants in making a selection. It will, however, be a safe rule to distrust those who boast of the possession of special and peculiar facilities in the Office, or of procuring patents in a shorter time, or with more extended claims than others."

As has already been intimated on the previous page, one of the reasons for the establishment of this office is, that inventors and others may have access to facilities for the correct transaction of all business with the Patent Office, upon which they can rely with confidence and certainty, and thus avoid the danger of falling into the hands of any of these inexperienced patent agents, against whom the Commissioner warns inventors.

XIII.

INQUIRIES THAT ARE NOT ANSWERED AT WASHINGTON.

The Commissioner of Patents informs inventors and others

that "the Office at Washington cannot respond to inquiries as to the novelty of an alleged invention in advance of an application for a patent, nor upon inquiries founded upon brief and imperfect descriptions, propounded with a view of ascertaining whether such alleged improvements have been patented, and if so, to whom; that it cannot act as an expounder of the patent law, nor as counsellor for individuals, except as to questions arising within the office."

The Office at Washington thus being prohibited from giving the information referred to, and the law under which the Office proceeds having devolved no such duty upon the Commissioner, and not having provided any fees for such services to be paid to the Office at Washington, all such inquiries may be addressed to this office, inclosing, in each case, $5, and correct replies will be returned.

XIV.

DIRECTIONS FOR CORRESPONDING WITH THIS OFFICE.

All communications relating to patents or business to be transacted at the Patent Office at Washington should be addressed to the *United States and International Patent Office, Fitch & Co., Directors*, 21 *Park Row, New York*, and when a reply is desired the postage for a return letter should be inclosed.

All communications should be written in a legible hand, and the full post-office address of the writer invariably given. Write the name of the post-office, the County, and the State.

When an opinion is desired or any information is requested relating to the rights or duties of inventors, or of assignees of inventors, or licensees, or upon any matter relating to patents, or growing out of the operation of the Patent Laws, parties interested are invited to freely correspond with this office, stating their cases as plainly and as fully as may be, when the opinion or information requested will be promptly given.

XV.

HOW TO MAKE REMITTANCES.

Persons making remittances to this office are advised to do so by means of drafts, certified checks, or by Post-Office orders. All *money* sent by mail will be at the risk of the persons sending it.

Money *should never be sent* inclosed in the same package with a model or drawings, as it is liable to be lost when thus remitted.

General Information

OF

INTEREST TO INVENTORS AND OTHERS.

WHO MAY OBTAIN A PATENT.

THE recent act of 1870 removes all distinctions, and confers the right of obtaining a patent upon any person, whether citizen or alien, who is the original and first inventor or discoverer of any new or useful art, machine, manufacture or composition, or any new and useful improvement thereof.

In case of the death of the inventor, his legal representatives may apply for a patent for his invention, and in case of assignment of the whole or any interest in the invention, the patent may issue to the assignee of the whole interest, or jointly to the inventor and the assignee of the undivided interest.

Joint inventors must apply jointly, and are entitled to a joint patent. Neither can claim one separately. To be joint inventors they must have united in the invention of the identical thing claimed in the patent. Inventors who originate, independently of each other, separate devices or improvements in the same machine, are not joint inventors, but must apply separately, each for a patent for his own invention.

To be entitled to a patent, the applicant must not only be the original inventor of the thing applied for, but he must be the first inventor of it. If it has been known before, that is, if the same invention has been produced, completed, and reduced to practice, and thus become public property in this country, or if it has been patented in this country, or in any other, or if it has been anywhere in this country, or abroad, described in any printed work, then the applicant, although the invention may be original with him, is not the first inventor, and cannot obtain a

patent. But its existence or use in any foreign country will not bar his obtaining a patent here.

Merely conceiving the idea of an improvement or machine is not an invention or discovery within the meaning of the Patent Law; it must be *made*, put into some visible or tangible form to be of use to the world; in other words, reduced to practice. The actual construction of a machine or device, or of a model thereof, or a full complete drawing of the same, such as will disclose its exact character, so that a mechanic can, and does, from the description given, construct the thing invented, or a model of it, is deemed in law a reducing of the invention to a practical form, and will entitle the inventor to a patent.

HOW TO PROCEED TO OBTAIN A PATENT.

This is done by presenting to the Commissioner of Patents a properly prepared petition, stating the fact of the making of the invention, and asking that a patent may be issued for it. This is to be accompanied by a specification and drawings, fully, accurately, and exactly describing the invention, the mode of its construction and operation, with proper references to the drawings, stating also the true nature of the invention, and setting forth the precise thing, or device, which is claimed to be new.

The entire value of the patent will depend upon the *correctness of the specification*. The patentee will be entitled to hold as his own property nothing more than what he thus sets forth in his specification as being new, and his own invention; and if he claims what is not really new, or has omitted to specify just that feature of the thing described which is new and original, with the improvements, his patent will be valueless. Hence the extreme importance of employing only such persons as have the requisite skill and experience and knowledge, of not only the patent laws, but of the subject to which the invention relates, to fully comprehend and accurately define, in any case, those parts or features which constitute the essence of the invention.

Two or more distinct or separate inventions may not be claimed in one application; but where several inventions are necessarily connected each with the other, they may be so claimed.

The applicant is required to make oath or affirmation that he believes himself to be the original or first inventor or discoverer of the thing claimed as his invention. This oath may be made before any person in the United States authorized to administer oaths; or, when the applicant resides in a foreign country, before any minister, *chargé d'affaires*, consul, or commissioner, any agent holding commission under the government of the United States, or before any notary public of the foreign country in which the appli-

cant may be; the oath being attested in all cases, in this and other countries, by the proper official seal of such notary.

DRAWINGS

Are in all cases required to be furnished, representing the invention; where the nature of the case admits of it, they are required to be made upon paper of a certain size and kind, with a particular description of ink, and in a particular manner, otherwise they will be rejected by the Office at Washington. The formalities requested in the preparation of these drawings will be properly observed and attended to at this office, and all necessary directions given for signing and witnessing them.

MODEL.

A model under the provisions of the late act of 1870 is not in all cases required. The applicant, upon filing his specification and drawings, may submit to the Commissioner the question, whether he shall deposit a model of his invention, and the Commissioner may in his discretion, when the invention is not a complicated one, and may be clearly understood from the drawings, dispense with the model. If a model is important, it should exhibit every feature of the machine it forms the subject of and claim of invention. It must be neatly and substantially constructed of durable materials, and will not be allowed to occupy a space of more than one foot in length, width, or height. If made of pine, or other soft wood, it should be painted, stained, or varnished; glue must not be used, but the parts should be so constructed as to resist the action of heat or moisture. A *working* model is always desirable, in order to enable the office fully and readily to understand the precise operation of the machinery. The name of the inventor, and the assignee if assigned, and also the title of the invention, must be affixed upon it in a prominent manner. When the invention is a composition of matter, a specimen of each of the ingredients, and of the composition, must accompany the application; and the name and title affixed, in the same manner as upon a model. In cases where the application is rejected and stands rejected for more than two years, or is formally withdrawn, the model will be returned to the applicant upon request.

The application will not be taken up for examination at the Office in Washington until all formalities have been observed and the application is completed; that is, until the papers, including the drawings, are properly prepared and executed, and forwarded to the office, and until a model, when required, is deposited and the fee is paid.

THE EXAMINATION AT THE OFFICE IN WASHINGTON.

All cases in the Patent Office are classified and taken up for examination in regular order; those in the same class being examined and disposed of as far as practicable in the order in which the respective applications are completed. In special cases, however, where the invention is deemed of peculiar importance for some branch of the public service, and when for that reason the head of some department of the Government specially requests immediate action, the case will be taken up out of its order.

These cases, together with applications for re-issues or for letters patent for inventions, for which foreign patents have already been obtained, have precedence over original applications; but they are the only exceptions to the rule above stated in relation to the order of examination. The applicant has the right to amend, of course, after the first rejection, and he may amend as often as the Examiner presents any new references; and the Assistant Commissioner of Patents may, in his discretion, grant leave to amend at any time. But no amendments can be made so as to introduce, avoid, or devise anything shown in either the model or drawings, and not mentioned in the original specification.

The Office at Washington will not return specifications for amendments; and in no case is any person allowed to take any papers, drawings, models, or samples from the Office. Copies of the same may be obtained by paying for them.

DATE OF PATENT.

Every patent will bear date as of a day not later than six months from the time at which it was passed and allowed, and notice thereof was sent to the applicant or his agent. No patent will be antedated.

WITHDRAWN AND REJECTED APPLICATIONS.

The applicant may renew his application at any time within two years after its rejection; if not renewed within two years, his invention becomes public property.

Where an application has been withdrawn for any reason, the proper course then is to file a new application, the same in all respects as was made in the first instance. The renewing of the application, after the rejection, is accomplished by merely addressing to the Office a written request to that effect. The making of a new application is a different thing, that being the filing of a

new petition, specification, and drawings. By a rule of the Office, however, the papers already on file may in all cases, with the permission of the Commissioner, be used; this permission is usually given upon request.

INTERFERENCES.

An interference is a proceeding in the Patent Office, the purpose of which is to determine which of two or more persons, who claim to have invented the same thing, is the first inventor.

An interference will be declared in the following cases:

1st. When the parties have applications pending before the Office at the same time, both or all the parties claiming to be the inventors of the same thing.

2d. When the applicant having been rejected, upon the prior unexpired patent or the prior application of another, claims to have made the invention before the prior applicant or patentee.

3d. When the invention is claimed in a renewed application which is shown or claimed in an application filed, or unexpired patent granted prior to the filing of such renewed application.

4th. When an applicant for a re-issue embraces in his amended specification any new or additional description of his invention, or enlarges his claim, or makes a new one, and thereby includes therein anything which has been claimed in any patent granted subsequent to the date of his original application, as the invention of another person, an interference will be declared between the application and any such unexpired patent or pending application. If the re-issue application claims only what was granted in the original patent, it may be put into interference with any pending application in which the same thing is shown, provided the later applicant claims to be the prior inventor, and is not barred a patent by public use or abandonment.

5th. When an application is found in conflict with a caveat, the caveator is allowed a period of three months within which to present an application, when an interference may be declared.

6th. The Patent Office reserves to itself the right, when two applications are pending at the same time, in one of which a device may be described which is claimed in the other, to declare an interference to determine with whom is priority of invention, without reference to the order in which such applications may have been filed. Where one of the parties resides abroad, and has no known agent in the United States, then, in addition to the notice sent by mail, notice of the interference may be given by publication in a newspaper of general circulation in the city of Washington once a week for three successive weeks. The fact that one of the parties has obtained a patent will not prevent an interference; for, although the Commissioner has no power to

cancel a patent already issued, he may, if he finds that another person was the prior inventor, give him also a patent, and thus place them on an equal footing before the courts and the public.

After an interference is declared, each party is required, before the time is set for the taking of testimony, to file in the office a statement under oath, giving the date and a detailed history of the invention, showing the successive experiments, steps of development, extent and character of use and forms of embodiment. Upon the filing of these statements, if either fails to overcome the *prima facie* case made by the date of the application of the other party, or if either shows that the invention of the party filing the statement has been abandoned, or that it has been in public use for more than two years prior to the application, or if either party fails to file such a declaration, then the opposite party in any of the cases here stated is entitled to an adjudication by default upon the case as it stands upon the record.

The party who first files his application or caveat, or who has obtained a patent before an interfering application is filed, is *prima facie* upon the record the first inventor, and the burden of proof rests upon the opposite party in an interference to prove to the contrary. Where no testimony is taken by the party upon whom rests this burden of proof, or where testimony has been taken by such party and not by the other party, during the time assigned to the latter for taking testimony, the case is considered closed, and at the expiration of the time assigned to such parties respectively is set down for hearing, at any time not less than (10) ten days thereafter.

In all cases of interference, the time for taking testimony of the parties thereto respectively is fixed by the Patent Office, and a notice of the same given to the said parties or their attorneys. Such time may be extended by the Commissioner of Patents, upon application to him, showing a good reason therefor, by affidavit and notice to the opposite party, with service of a copy of the affidavit, and naming the time when the motion for such extension will be made before the Commissioner.

All cases of interference, when ready for hearing, are tried before the Examiner in charge of interferences. When an interference has been properly declared, it will not be dissolved without the question of priority being determined by testimony, or the written concession of one of the parties, unless the invention is found not to be patentable, or to have been abandoned, or that it has been in public use for more than two years prior to the application of either party, or that no interference in fact exists.

No amendments to the specification will be allowed during the pendency of an interference, except that either party may, if he so elect, withdraw from the application the claims attached in an interference, and file a new application thereafter, provided that

the claims so withdrawn cover inventions which do not involve the devices in interference, and provided also that the devices in interference are eliminated from the new application. In such case the latter will be examined without reference to the interference from which it was withdrawn.

The reader will readily understand from what has been said above in relation to interferences, that the proceedings therein are somewhat intricate, and require experienced skill in conducting them properly,

Applicants for patents, or patentees who find themselves placed in interference with rival claimants for the inventions, should not hazard their interests by engaging unskilled persons or patent agents, whom they do not know to be in all respects competent to conduct interferences and to transact this business for them.

They are advised to communicate at once with this office, and obtain here the assistance which they may require. The fee required in cases of interference will depend upon the labor performed and expense necessarily incurred. In all cases it will be moderate.

RE-ISSUES.

A re-issue is granted to the original patentee, his legal representatives or the assignees of the entire interest, when by reason of a defective or insufficient specification, the original patent is inoperative or invalid, provided the error has arisen from inadvertence, accident or mistake, and without any fraudulent or deceptive intention; but although the patent has been assigned, the application must be made, and the specification sworn to by the inventor, and the petition for a re-issue must set forth under oath the facts indicated above.

In amending the specification for a re-issue, the general rule is, that whatever is really embraced in the original invention, or was described or shown, that it might have been embraced in the original patent, may be set forth and claimed in such amended specification; but no new matter can be introduced, nor can the model or drawings be amended, except each by the other; but where there is neither model nor drawings, amendments may be made upon proof satisfactory to the Commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake.

In re-issuing a patent, the patentee may have at his option the patent divided, where there are two or more separate devices, or inventions embraced in it, and have issued to him a separate patent for each distinct invention. In such case separate specifications, drawings, and models, as the case may be, will be

required to be filed for each patent, and all will be issued at the same time.

Re-issued patents are considered a continuation of the original patent, and expire at the end of the term for which the original patent was granted.

In all cases of applications for re-issues the original claim, if reproduced in the amended specification, is subject to re-examination, and may be revised and restricted in the same manner as in original applications; but if any re-issue be refused the original patent will, upon request, be returned to the applicant. The fee required to be paid on filing the application for re-issue is $55; $30, the government fee, payable at Washington, and $25, the fee charged in all simple cases, at this office, for prosecuting the application.

DISCLAIMERS.

Whenever the patentee, or his heirs or assigns, whether of the whole or of any sectional interest, discovers that by mistake the claim in the patent is too broad, embracing more than the patentee really invented, he may file a disclaimer in the Patent Office, setting forth clearly the part which he disclaims as not being new, and thereafter his patent will have the same effect, and be construed in the same manner as if it had been originally issued with the part thus disclaimed left out.

In framing the written disclaimer to be filed as above described, it will be readily seen that great care is required, also a full knowledge of the whole subject to which the patent relates, in order that no more shall be disclaimed than is required to eliminate from the patent those features which are not new, and at the same time, to, in fact, remove from it all features that are not novel, and of which the patentee was not the original and first inventor; otherwise the patentee may find himself in a worse condition after having made the disclaimer than he was before making it.

In all cases where inventors have reason to expect that their patents may be defective, they are recommended to apply to this office for information upon the subject, when they will be correctly advised, whether a disclaimer will effectually obviate and remove the defect in their patents, or whether re-issues of them are necessary. Full instructions will be given for taking the necessary steps for remedying all or any defects that may exist.

The better plan is at once to forward their patents to this office, with a statement of what they themselves may expect as being the defects existing in them.

The fee on filing a disclaimer is $20; $10 of which is the government fee, and $10 the charge for services at this office.

EXTENSIONS.

No patent granted since March 2d, 1861, can be extended by the Commissioner of Patents. But Congress has power to extend any patent. All patents granted prior to March 2d, 1861, the Commissioner has the power to extend in particular cases. The law provides that when, in the opinion of the Commissioner, the inventor has not been reasonably remunerated for his invention, without neglect or fault on his part, and if his invention was really useful when patented, and its extension would be consistent with the interests of the public, the Commissioner may extend it for a term of seven years.

The extension must be applied for not more than six months, nor less than ninety days, prior to the expiration of the patent. There is no power in the Commissioner to renew a patent after it has once expired.

In making the application for an extension, the applicant is required to furnish to the Office a statement in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures on account thereof, both in this and foreign countries. This statement must be made particular and in detail, unless sufficient reason is set forth why such a statement cannot be furnished, and it must be filed within thirty days after filing the petition.

Any person interested is at liberty to oppose an extension by filing notice at the Patent Office of his purpose to make such opposition, when both parties may take testimony, each giving reasonable notice to the other of the time and place of taking such testimony, which must be taken according to the rules prescribed by the Commissioner in cases of interference as hereinbefore stated. The person opposing is required to file his reasons of opposition in the Patent Office, at least twenty days before the hearing; and no testimony will be received unless by consent, which has been taken within thirty days next after the filing of the petition for an extension. The time for taking testimony by the several parties, and the day of hearing is fixed by the Commissioner; notice of which is given to the applicant and the opposing parties.

The decision of the Commissioner of Patents upon applications for extensions is final, from which there is no appeal, and the policy pursued in granting time and withholding extensions has been different by different Commissioners. Some of them have been very liberal, requiring but little testimony, tending to prove that the patentee had not been sufficiently remunerated, while others have shown less liberality, and required applicants to make out very strong cases of inadequate compensation before deciding

to extend their patents. But all have, and will undoubtedly continue to require substantially, compliance with the law; and this renders it necessary for applicants to secure and have the advantage of competent assistance in preparing and presenting their applications at the Patent Office. Patentees desiring further information, and wishing to secure aid in making applications for extensions of patents, are invited to communicate with this office, either personally or by mail. Prompt attention will be given to all such applicants, and the necessary information and assistance furnished to them.

The government fee. on filing an application for extension, is $50, and then, if the extension is granted, an additional fee of $50 must be paid. The fee payable at this office in addition will depend upon the labor necessarily performed, the charge being merely enough to cover the necessary expenses.

FOREIGN PATENTS.

The taking out of a patent in a foreign country does not prejudice the patent previously obtained here, nor does it prevent the obtaining of a patent here subsequently by the party obtaining the foreign patent, unless the invention shall have been introduced into public use in the United States for more than two years prior to the application here. But the patent obtained here will expire at the same time that the foreign patent, previously obtained, expires, provided, however, that in no case will it continue in force here more than seventeen years. The inventor is required to make oath, according to his best knowledge and belief, that the invention has not been in use in the United States more than two years prior to his application in this country; and he should state the fact, if he has obtained a patent abroad, giving its date, and if there be more than one, the date of the one having the shortest term.

CAVEATS.

Any citizen of the United States, or alien who has resided for one year last past in the United States, and has made oath of his intention to become a citizen thereof, can file a caveat in the secret archives of the Patent Office on the payment of a fee of $10; and if at any time within one year thereafter, another person applies for a patent for the same invention, the caveator will be entitled to notice, to file his application, and to go into interference with the applicant for the purpose of proving priority of invention, and obtaining the patent if he succeed. He must file his application within three months from the day on which the notice and matter is deposited in the Post Office at Washington,

adding the regular time for the transmission of the same to him. And he may renew his caveat at the end of one year by paying a second caveat fee, which will continue it in force for one year longer, and so on from year to year, as long as the caveator may desire.

The caveator will not be entitled to notice of any application pending at the time of filing his caveat, nor of any application filed after the expiration of one year from the date of filing the caveat, unless the same is renewed by the payment of a second fee of $10.

While the description of the invention and caveat is not required to be as particular as in a full specification, still it should be sufficiently precise to give a clear idea of the invention, so that the office may determine whether there is a probable interference when a subsequent application for the same thing is filed; and it should be accompanied by drawings or sketches, although these are not absolutely essential.

Caveat papers cannot be withdrawn from the office, nor undergo alterations after they have been once filed. Copies of them will be furnished to the caveator, or his authorized attorney, at any time upon application.

REPAYMENT OF MONEY.

Money paid by actual mistake will be refunded by the Patent Office, but a mere change of purpose, after the payment of money, will not entitle the party to demand such return.

PATENT OFFICE FEES.

The following is the tariff of fees established by law:—

On filing every application for a design for three years and six months	$10.00
On filing every application for a design for seven years,	15.00
On filing every application for a design for fourteen years,	30.00
On filing every caveat,	10.00
On filing every application for a patent,	15.00
On issuing each original patent,	20.00
On filing a disclaimer,	10.00
On filing every application for a re-issue,	30 00
On filing every application for a division of a re-issue,	30.00
On filing every application for an extension,	50.00
On the grant of every extension,	50.00
On filing the first appeal from a primary examiner to examiners-in-chief,	10.00
On filing an appeal to the Commissioner from examiners-in-chief,	20.00

On depositing a trade mark for registration.....	$25.00
For every copy of a patent or other instrument, for every 100 words,.....	.10
For every certified copy of drawing, the cost of having it made.	
For copies of papers not certified, the cost of having them made.	
For recording every assignment of 300 words or under,..	1.00
For recording every assignment, if over three hundred and not over 1,000 words,.....	2.00
For recording every assignment, if over 1,000 words,....	3.00

Special directions are given by the Commissioner of Patents for transmitting money to the Patent Office which it is necessary to observe. But all persons doing business with the Office at Washington through this office should remit all fees directly to us, together with any fees payable for services here, and we will undertake the transmission to the Office in Washington, and become responsible for the same.

Remittances to this office may be made by certified checks, by drafts, or by Post-Office orders. To avoid the possibility of loss to the persons remitting money, we would recommend that in all cases some one of the modes indicated be adopted.

REVENUE STAMPS.

A fifty-cent revenue stamp is required to be placed upon every power of attorney, authorized attorney, or agent, to transact business at the Patent Office relative to an application for a patent, re-issue, or extension.

All assignments of patents, both those directing a patent to issue to an assignee, as well as all that may be sent to the Patent Office for record, require a five-cent revenue stamp upon each sheet of paper upon which the assignment is written or printed, and no power of attorney will be recognized at the Patent Office, and no assignment received or recorded without these stamps.

CORRESPONDENCE WITH THE PATENT OFFICE AT WASHINGTON.

All business with the Patent Office is required to be transacted in writing, in conformity with certain rules established by the Commissioner of Patents, and the action of the Office is predicated exclusively upon the written record.

When an attorney is employed, the correspondence is always conducted with the Patent Office by the attorney only. A double correspondence with him and his principal is not allowed.

No caveat, nor any paper connected with any pending application for a patent, is open to the inspection of any but sworn officials in the office, and the parties who have filed such papers, and their authorized agents. Nor will any information be given by the Patent Office to any other person relating to such papers, excepting in case of interference, in which case all parties have a right to inspect the papers of the opposite parties, relating to the subject of interference. Even after a case is rejected the application is regarded as pending for the space of two years after the date of the rejection, when, if no further steps have been taken, the case will be regarded as abandoned, and will no longer be protected by any rule of secrecy, and then all papers relating to it will be open to public inspection.

Inasmuch as inventors and others interested in patents are not usually familiar with the formalities required in conducting correspondence and transacting business with the Patent Office, as above indicated, they are invited to avail themselves of the assistance provided at this office. All communications relating to these affairs will receive prompt attention, and all information desired will be freely given.

ASSIGNMENTS.

A patent may be assigned, either as to the whole interest or any undivided part thereof, by any instrument of writing. No particular form of words is necessary to constitute a valid assignment, nor need the instrument be sealed, witnessed, or acknowledged.

A patent will, upon request, issue directly to the assignee or assignees of the entire interest in any invention, or to the inventor and the assignee jointly, when an undivided part only of the entire interest has been conveyed.

In every case where a patent issues or re-issues to an assignee, the assignment must be recorded in the Patent Office at least five days before the issue of the patent, and the specification must be sworn to by the inventor.

When the patent is to issue in the name of the assignee, the entire correspondence should be in his name.

The patentee may grant and convey an exclusive right under his patent to the whole or any specified portion of the United States by an instrument in writing.

Every assignment, or grant of an exclusive territorial right, must be recorded in the Patent Office within three months from the execution thereof; otherwise it will be void as against any subsequent purchaser or mortgagee for a valuable consideration without notice; but if recorded after that time it will protect the

assignee or grantee against any such subsequent purchaser, whose assignment or grant is not then on record.

The patentee may convey separate rights under his patent to make, or to use, or to sell his invention, or he may convey territorial or shop rights, which are not exclusive. Such conveyances are mere licenses, and need not be recorded.

Assignments are recorded in their turn, within a few days after their reception, and then transmitted to the persons entitled to them.

THE

PATENT LAWS

OF THE

UNITED STATES OF AMERICA.

PASSED JULY 8, 1870.

AN ACT to revise, consolidate, and amend the statutes relating to patents and copy-rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That there shall be attached to the Department of the Interior the office, heretofore established, known as the Patent-Office, wherein all records, books, models, drawings, specifications, and other papers and things pertaining to patents shall be safely kept and preserved.

OFFICERS, SALARIES, AND SURETIES.

SEC. 2. *And be it further enacted*, That the officers and employees of said office shall continue to be: one Commissioner of Patents, one Assistant Commissioner, and three examiners-in-chief, to be appointed by the President, and by and with the advice and consent of the Senate; one chief clerk, one examiner in charge of interferences, twenty-two principal examiners, twenty-two first-assistant examiners, twenty-two second-assistant examiners, one librarian, one machinist, five clerks of class four, six clerks of class three, fifty clerks of class two, forty-five clerks of class one, and one messenger and purchasing clerk, all of whom shall be appointed by the Secretary of the Interior, upon nomination of the Commissioner of Patents.

SEC. 3. *And be it further enacted*, That the Secretary of the Interior may also appoint, upon like nomination, such additional clerks of classes two and one, and

of lower grades, copyists of drawings, female copyists, skilled laborers, laborers, and watchmen, as may be from time to time appropriated for by Congress.

SEC. 4. *And be it further enacted*, That the annual salaries of the officers and employees of the Patent-Office shall be as follows:

Of the Commissioner of Patents, four thousand five hundred dollars.
Of the Assistant Commissioner, three thousand dollars.
Of the examiners-in-chief, three thousand dollars each.
Of the chief clerk, two thousand five hundred dollars.
Of the examiner in charge of interferences, two thousand five hundred dollars.
Of the principal examiners, two thousand five hundred dollars each.
Of the first assistant examiners, one thousand eight hundred dollars each.
Of the second assistant examiners, one thousand six hundred dollars each.
Of the librarian, one thousand eight hundred dollars.
Of the machinist, one thousand six hundred dollars.
Of the clerks of class four, one thousand eight hundred dollars each.
Of the clerks of class three, one thousand six hundred dollars each.
Of the clerks of class two, one thousand four hundred dollars each.
Of the clerks of class one, one thousand two hundred dollars each.
Of the messenger and purchasing clerk, one thousand dollars.
Of laborers and watchmen, seven hundred and twenty dollars each.
Of the additional clerks, copyists of drawings, female copyists, and skilled laborers, such rates as may be fixed by the acts making appropriations for them.

SEC. 5. *And be it further enacted*, That all officers and employees of the Patent-Office shall, before entering upon their duties, make oath for affirmation truly and faithfully to execute the trusts committed to them.

SEC. 6. *And be it further enacted*, That the Commissioner and chief clerk, before entering upon their duties, shall severally give bond, with sureties, to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, conditioned for the faithful discharge of their duties, and that they will render to the proper officers of the treasury a true account of all money received by virtue of their office.

DUTIES OF COMMISSIONER, AND OTHERS.

SEC. 7. *And be it further enacted*, That it shall be the duty of the Commissioner, under the direction of the Secretary of the Interior, to superintend or perform all the duties respecting the granting and issuing of patents which herein are, or may hereafter be, by law directed to be done; and he shall have charge of all books, records, papers, models, machines, and other things belonging to said office.

SEC. 8. *And be it further enacted*, That the Commissioner may send and receive by mail, free of postage, letters, printed matter, and packages relating to the business of his office, including Patent-Office reports.

SEC. 9. *And be it further enacted*, That the Commissioner shall lay before Congress, in the month of January, annually, a report giving a detailed statement of all moneys received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year, designating under proper heads the subjects of such patents; an alphabetical list of the patentees with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent-Office as may be useful to Congress or the public.

EXAMINERS-IN-CHIEF.

SEC. 10. *And be it further enacted*, That the examiners-in-chief shall be persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the appellant, to revise and determine upon the validity of the adverse decisions of examiners upon applications for patents, and for reissues of patents, and in interference cases; and when required by the Commissioner,

they shall hear and report upon claims for extensions, and perform such other like duties as he may assign them.

SEC. 11. *And be it further enacted*, That in case of the death, resignation, absence, or sickness of the Commissioner, his duties shall devolve upon the Assistant Commissioner until a successor shall be appointed, or such absence or sickness shall cease.

SEC. 12. *And be it further enacted*, That the Commissioner shall cause a seal to be provided for said office, with such device as the President may approve, with which all records or papers issued from said office, to be used in evidence, shall be authenticated.

MODELS.

SEC. 13. *And be it further enacted*, That the Commissioner shall cause to be classified and arranged in suitable cases, in the rooms and galleries provided for that purpose, the models, specimens of composition, fabrics, manufactures, works of art, and designs, which have been or shall be deposited in said office; and said rooms and galleries shall be kept open during suitable hours for public inspection.

SEC. 14. *And be it further enacted*, That the Commissioner may restore to the respective applicants such of the models belonging to rejected applications as he shall not think necessary to be preserved, or he may sell or otherwise dispose of them after the application has been finally rejected for one year, paying the proceeds into the treasury, as other patent moneys are directed to be paid.

SEC. 15. *And be it further enacted*, That there shall be purchased, for the use of said office, a library of such scientific works and periodicals, both foreign and American, as may aid the officers in the discharge of their duties, not exceeding the amount annually appropriated by Congress for that purpose.

OFFICERS AND EMPLOYEES NOT TO HOLD PATENTS.

SEC. 16. *And be it further enacted*, That all officers and employees of the Patent-Office shall be incapable, during the period for which they shall hold their appointments, to acquire or take, directly or indirectly, except by inheritance or bequest, any right or interest in any patent issued by said office.

SEC. 17. *And be it further enacted*, That for gross misconduct the Commissioner may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons for such refusal shall be duly recorded, and be subject to the approval of the Secretary of the Interior.

SEC. 18. *And be it further enacted*, That the Commissioner may require all papers filed in the Patent-Office, if not correctly, legibly, and clearly written, to be printed at the cost of the party filing them.

SEC. 19. *And be it further enacted*, That the Commissioner, subject to the approval of the Secretary of the Interior, may from time to time establish rules and regulations, not inconsistent with law, for the conduct of proceedings in the Patent-Office.

PATENTS.

SEC. 20. *And be it further enacted*, That the Commissioner may print or cause to be printed copies of the specifications of all letters-patent, and of the drawings of the same, and copies of the claims of current issues, and copies of such laws, decisions, rules, regulations, and circulars as may be necessary for the information of the public.

SEC. 21. *And be it further enacted*, That all patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Secretary of the Interior and countersigned by the Commissioner, and they shall be recorded, together with the specification, in said office, in books to be kept for that purpose.

SEC. 22. *And be it further enacted*, That every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of

seventeen years, of the exclusive right to make, use, and vend the said invention or discovery throughout the United States and the Territories thereof, referring to the specification for the particulars thereof; and a copy of said specifications and of the drawings shall be annexed to the patent and be a part thereof.

DATE OF PATENTS.

SEC. 23. *And be it further enacted*, That every patent shall date as of a day not later than six months from the time at which it was passed and allowed, and notice thereof was sent to the applicant or his agent; and if the final fee shall not be paid within that period, the patent shall be withheld.

WHAT MAY BE PATENTED.

SEC. 24. *And be it further enacted*, That any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof, not known or used by others in this country, and not patented or described in any printed publication in this or in any foreign country, before his invention or discovery thereof, and not in public use or on sale for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the duty required by law, and other due proceedings had, obtain a patent therefor.

FOREIGN INVENTIONS MAY BE PATENTED.

SEC. 25. *And be it further enacted*, That no person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented in a foreign country; provided the same shall not have been introduced into public use in the United States for more than two years prior to the application, and that the patent shall expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term; but in no case shall it be in force more than seventeen years.

DESCRIPTION AND SPECIFICATION.

SEC. 26. *And be it further enacted*, That before any inventor or discoverer shall receive a patent for his invention or discovery, he shall make application therefor, in writing, to the Commissioner, and shall file in the Patent-Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery; and said specification and claim shall be signed by the inventor and attested by two witnesses.

DRAWINGS.

SEC. 27. *And be it further enacted*, That when the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, and attested by two witnesses, which shall be filed in the Patent-Office; and a copy of said drawings, to be furnished by the Patent-Office, shall be attached to the patent as a part of the specification.

COMPOSITIONS.

SEC. 28. *And be it further enacted*, That when the invention or discovery is of a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of ingredients and of the composition, sufficient in quantity for the purpose of experiment.

MODELS.

SEC. 29. *And be it further enacted*, That in all cases which admit of representation by model, the applicant, if required by the Commissioner, shall furnish one of convenient size to exhibit advantageously the several parts of his invention or discovery.

OATH OF INVENTION.

SEC. 30. *And be it further enacted*, That the applicant shall make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. And said oath or affirmation may be made before any person in the United States authorized by law to administer oaths; or when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent, holding commission under the government of the United States, or before any notary public of the foreign country in which the applicant may be.

OFFICIAL EXAMINATION.

SEC. 31. *And be it further enacted*, That on the filing of any such application and the payment of the duty required by law, the Commissioner shall cause an examination to be made of the alleged new invention or discovery; and if on such examination it shall appear that the claimant is justly entitled to a patent under the law, and that the same is sufficiently useful and important, the Commissioner shall issue a patent therefor.

COMPLETION OF APPLICATION.

SEC. 32. *And be it further enacted*, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof, or upon failure of the applicant to prosecute the same within two years after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

RIGHTS OF ASSIGNEES.

SEC. 33. *And be it further enacted*, That patents may be granted and issued or reissued to the assignee of the inventor or discoverer, the assignment thereof being first entered of record in the Patent-Office; but in such case the application for the patent shall be made and the specification sworn to by the inventor or discoverer; and also, if he be living, in case of an application for reissue.

PATENTS AFTER DECEASE OF INVENTOR.

SEC. 34. *And be it further enacted*, That when any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the de-

ceased, in case he shall have died intestate; or if he shall have left a will, disposing of the same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when the application shall be made by such legal representatives, the oath or affirmation required to be made shall be so varied in form that it can be made by them.

LAPSED AND REJECTED CASES.

SEC. 35. *And be it further enacted*, That any person who has an interest in an invention or discovery, whether as inventor, discoverer, or assignee, for which a patent was ordered to issue upon the payment of the final fee, but who has failed to make payment thereof within six months from the time at which it was passed and allowed, and notice thereof was sent to the applicant or his agent, shall have a right to make an application for a patent for such invention or discovery the same as in the case of an original application: *Provided*, That the second application be made within two years after the allowance of the original application. But no person shall be held responsible in damages for the manufacture or use of any article or thing for which a patent, as aforesaid, was ordered to issue, prior to the issue thereof: *And provided further*, That when an application for a patent has been rejected or withdrawn, prior to the passage of this act, the applicant shall have six months from the date of such passage to renew his application, or to file a new one; and if he omit to do either, his application shall be held to have been abandoned. Upon the hearing of such renewed applications abandonment shall be considered as a question of fact.

ASSIGNMENTS, GRANTS, AND CONVEYANCES.

SEC. 36. *And be it further enacted*, That every patent or any interest therein shall be assignable in law, by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States; and said assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent-Office within three months from the date thereof.

PURCHASERS' RIGHTS BEFORE PATENT.

SEC. 37. *And be it further enacted*, That every person who may have purchased of the inventor, or with his knowledge and consent may have constructed any newly invented or discovered machine, or other patentable article, prior to the application by the inventor or discoverer for a patent, or sold or used one so constructed, shall have the right to use, and vend to others to be used, the specific things so made or purchased, without liability therefor.

PATENTED ARTICLES TO BE STAMPED.

SEC. 38. *And be it further enacted*, That it shall be the duty of all patentees, and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented, either by fixing thereon the word "patented," together with the day and year the patent was granted; or when, from the character of the article, this cannot be done, by fixing to it or to the package wherein one or more of them is inclosed, a label containing the like notice; and in any suit for infringement, by the party failing so to mark, no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make, use, or vend the article so patented.

PENALTY FOR FALSE MARKING.

SEC. 39. *And be it further enacted*, That if any person shall, in any manner, mark upon anything made, used, or sold by him for which he has not obtained a

patent, the name or any imitation of the name of any person who has obtained a patent therefor, without the consent of such patentee, or his assigns or legal representatives; or shall in any manner mark upon or affix to any such patented article the word "patent" or "patentee," or the words "letters-patent," or any word of like import, with intent to imitate or counterfeit the mark or device of the patentee, without having the license or consent of such patentee or his assigns or legal representatives; or shall in any manner mark upon or affix to any unpatented article the word "patent," or any word importing that the same is patented, for the purpose of deceiving the public, he shall be liable for every such offence to a penalty of not less than one hundred dollars, with costs; one moiety of said penalty to the person who shall sue for the same, and the other to the use of the United States, to be recovered by suit in any district court of the United States within whose jurisdiction such offence may have been committed.

CAVEATS.

SEC. 40. *And be it further enacted*, That any citizen of the United States, who shall have made any new invention or discovery, and shall desire further time to mature the same, may, on payment of the duty required by law, file in the Patent-Office a caveat setting forth the design thereof, and of its distinguishing characteristics, and praying protection of his right until he shall have matured his invention; and such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if application shall be made within the year by any other person for a patent with which such caveat would in any manner interfere, the Commissioner shall deposit the description, specifications, drawings, and model of such application in like manner in the confidential archives of the office, and give notice thereof, by mail, to the person filing the caveat, who, if he would avail himself of his caveat, shall file his description, specifications, drawings, and model within three months from the time of placing said notice in the post office in Washington, with the usual time required for transmitting it to the caveator added thereto, which time shall be indorsed on the notice. And an alien shall have the privilege herein granted, if he shall have resided in the United States one year next preceding the filing of his caveat, and made oath of his intention to become a citizen.

REJECTIONS.

SEC. 41. *And be it further enacted*, That whenever, on examination, any claim for a patent is rejected for any reason whatever, the Commissioner shall notify the applicant thereof, giving him briefly the reasons for such rejections, together with such information and references as may be useful in judging of the propriety of renewing his application or of altering his specification; and if, after receiving such notice, the applicant shall persist in his claim for a patent, with or without altering his specifications, the Commissioner shall order a re-examination of the case.

INTERFERENCES.

SEC. 42. *And be it further enacted*, That whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be, and shall direct the primary examiner to proceed to determine the question of priority of invention. And the Commissioner may issue a patent to the party who shall be adjudged the prior inventor, unless the adverse party shall appeal from the decision of the primary examiner, or of the board of examiners-in-chief, as the case may be, within such time, not less than twenty days, as the Commissioner shall prescribe.

AFFIDAVITS AND DEPOSITIONS.

SEC. 43. *And be it further enacted*, That the Commissioner may establish rules for taking affidavits and depositions required in cases pending in the Patent-Office,

and such affidavits and depositions may be taken before any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where the officer resides.

DUTY OF CLERK OF COURT.

SEC. 44. *And be it further enacted*, That the clerk of any court of the United States, for any district or territory wherein testimony is to be taken for use in any contested case pending in the Patent-Office, shall, upon the application of any party thereto, or his agent or attorney, issue subpœna for any witness residing or being within said district or territory, commanding him to appear and testify before any officer in said district or territory authorized to take depositions and affidavits, at any time and place in the subpœna stated; and if any witness, after being duly served with such subpœna, shall neglect or refuse to appear, or after appearing shall refuse to testify, the judge of the court whose clerk issued the subpœna may, on proof of such neglect or refusal, enforce obedience to the process, or punish the disobedience as in other like cases.

FEES AND RIGHTS OF WITNESSES.

SEC. 45. *And be it further enacted*, That every witness duly subpœnaed and in attendance shall be allowed the same fees as are allowed to witnesses attending the courts of the United States, but no witness shall be required to attend at any place more than forty miles from the place where the subpœna is served upon him, nor be deemed guilty of contempt for disobeying such subpœna, unless his fees and travelling expenses in going to, returning from, and one day's attendance at the place of examination, are paid or tendered him at the time of the service of the subpœna; nor for refusing to disclose any secret invention or discovery made or owned by himself.

APPEALS.

SEC. 46. *And be it further enacted*, That every applicant for a patent or the reissue of a patent, any of the claims of which have been twice rejected, and every party to an interference, may appeal from the decision of the primary examiner, or of the examiner in charge of interference, in such case to the board of examiners-in-chief, having once paid the fee for such appeal provided by law.

SEC. 47. *And be it further enacted*, That if such party is dissatisfied with the decision of the examiners-in-chief, he may, on payment of the duty required by law, appeal to the Commissioner in person.

SEC. 48. *And be it further enacted*, That if such party, except a party to an interference, is dissatisfied with the decision of the Commissioner, he may appeal to the Supreme Court of the District of Columbia, sitting in banc.

SEC. 49. *And be it further enacted*, That when an appeal is taken to the Supreme Court of the District of Columbia, the appellant shall give notice thereof to the Commissioner, and file in the Patent-Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing.

SEC. 50. *And be it further enacted*, That it shall be the duty of said court, on petition, to hear and determine such appeal, and to revise the decision appealed from in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as the court may appoint, notifying the Commissioner of the time and place of hearing; and the revision shall be confined to the points set forth in the reasons of appeal. And after hearing the case, the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent-Office, and govern the further proceedings in the case. But no opinion or decision of the court in any such case shall preclude any person interested from the right to contest the validity of such patent in any court wherein the same may be called in question.

SEC. 51. *And be it further enacted*, That on receiving notice of the time and

place of hearing such appeal, the Commissioner shall notify all parties who appear to be interested therein, in such manner as the court may prescribe. The party appealing shall lay before the court certified copies of all the original papers and evidence in the case, and the Commissioner shall furnish it with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal. And at the request of any party interested, or of the court, the Commissioner and the examiners may be examined under oath, in explanation of the principles of the machine or other thing for which a patent is demanded.

BILL IN EQUITY.

SEC. 52. *And be it further enacted*, That whenever a patent on application is refused, for any reason whatever, either by the Commissioner or by the Supreme Court of the District of Columbia upon appeal from the Commissioner, the applicant may have remedy by bill in equity; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear. And such adjudication, if it be in favor of the right of the applicant, shall authorize the Commissioner to issue such patent, on the application filing in the Patent-Office a copy of the adjudication, and otherwise complying with the requistions of law. And in all cases where there is no opposing party a copy of the bill shall be served on the Commissioner, and all the expenses of the proceeding shall be paid by the applicant, whether the final decision is in his favor or not.

REISSUES.

SEC. 53. *And be it further enacted*, That whenever any patent is inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new, if the error has arisen by inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the Commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a new patent for the same invention, and in accordance with the corrected specification, to be issued to the patentee, or, in the case of his death or assignment of the whole or any undivided part of the original patent, to his executors, administrators, or assigns, for the unexpired part of the term of the original patent, the surrender of which shall take effect upon the issue of the amended patent; and the Commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued letters-patent. And the specifications and claim in every such case shall be subject to revision and restriction in the same manner as original applications are. And the patent so reissued, together with the corrected specification, shall have the effect and operation in law, on the trial of all actions for causes thereafter arising, as though the same had been originally filed in such corrected forms; but no new matter shall be introduced into the specification, nor in case of a machine patent shall the model or drawings be amended, except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the Commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid.

DISCLAIMERS.

SEC. 54. *And be it further enacted*, That whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed more than that of which he was the original or first inventor or discoverer, his patent shall be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented;

and any such patentee, his heirs, or assigns, whether of the whole or any sectional interest therein, may, on payment of the duty required by law, make disclaimer of such parts of the thing patented as he shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; said disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent-Office, and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing it.

INFRINGEMENT, SUITS FOR.

SEC. 55. *And be it further enacted*, That all actions, suits, controversies, and cases arising under the patent laws of the United States shall be originally cognizable, as well in equity as at law, by the circuit courts of the United States, or any district court having the powers and jurisdiction of a circuit court, or by the Supreme Court of the District of Columbia, or of any territory; and the court shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and, upon a decree being rendered in any such case for an infringement, the claimant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction, and the court shall have the same powers to increase the same in its discretion that are given by this act to increase the damages found by verdicts in actions upon the case; but all actions shall be brought during the term for which the letters-patent shall be granted or extended, or within six years after the expiration thereof.

APPEALS TO SUPREME COURT.

SEC. 56. *And be it further enacted*, That a writ of error or appeal to the Supreme Court of the United States shall lie from all judgments and decrees of any circuit court, or of any district court exercising the jurisdiction of a circuit court, or of the Supreme Court of the District of Columbia, or of any territory, in any action, suit, controversy, or case, at law or in equity, touching patent rights, in the same manner and under the same circumstances as in other judgments and decrees of such circuit courts, without regard to the sum of value in controversy.

RECORD EVIDENCE.

SEC. 57. *And be it further enacted*, That written or printed copies of any records, books, papers, or drawings belonging to the Patent-Office, and of letters-patent under the signature of the Commissioner or Acting Commissioner, with the seal of office affixed, shall be competent evidence in all cases wherein the originals could be evidence, and any person making application therefor, and paying the fee required by law, shall have certified copies thereof. And copies of the specifications and drawings of foreign letters-patent, certified in like manner, shall be *prima-facie* evidence of the fact of the granting of such foreign letters-patent, and of the date and contents thereof.

INTERFERENCE EQUITY PROCEEDINGS.

SEC. 58. *And be it further enacted*, That whenever there shall be interfering patents, any person interested in any of such interfering patents, or in the working of the invention claimed under either of such patents, may have relief against the interfering patentee, and all parties interested under him, by suit in equity against the owners of the interfering patent; and the court having cognizance

thereof, as herein before provided, or notice to adverse parties, and other due proceedings had according to the course of equity, may adjudge and declare either of the patents void in whole or in part, or inoperative, or invalid in any particular part of the United States, according to the interest of the parties in the patent or the invention patented. But no such judgment or adjudication shall affect the rights of any person except the parties to the suit and those deriving title under them subsequent to the rendition of such judgment.

DAMAGES FOR INFRINGEMENT.

SEC. 59. *And be it further enacted*, That damages for the infringement of any patent may be recovered by action on the case in any circuit court of the United States, or district court exercising the jurisdiction of a circuit court, or in the Supreme Court of the District of Columbia, or of any territory, in the name of the party interested, either as patentee, assignee, or grantee. And whenever in any such action a verdict shall be rendered for the plaintiff, the court may enter judgment thereon for any sum above the amount found by the verdict as the actual damages sustained, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

PART INFRINGEMENT, SUIT FOR.

SEC. 60. *And be it further enacted*, That whenever, through inadvertence, accident, or mistake, and without any willful default or intent to defraud or mislead the public, a patentee shall have (in his specification) claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor or discoverer as aforesaid, every such patentee, his executors, administrators, and assigns, whether of the whole or any sectional interest in the patent, may maintain a suit at law or in equity for the infringement of any part thereof which was *bona fide* his own, provided it shall be a material and substantial part of the thing patented, and be definitely distinguishable from the parts so claimed, without right as aforesaid, notwithstanding the specifications may embrace more than that of which the patentee was the original or first inventor or discoverer. But in every such case in which a judgment or decree shall be rendered for the plaintiff, no costs shall be recovered unless the proper disclaimer has been entered at the Patent-Office before the commencement of the suit; nor shall he be entitled to the benefits of this section if he shall have unreasonably neglected or delayed to enter said disclaimer.

PLEADINGS IN INFRINGEMENT.

SEC. 61. *And be it further enacted*, That in any action for infringement the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney, thirty days before, may prove on trial any one or more of the following special matters:

First. That for the purpose of deceiving the public the description and specification filed by the patentee in the Patent-Office was made to contain less than than the whole truth relative to his invention or discovery, or more than is necessary to produce the desired effect; or,

Second. That he had surreptitiously or unjustly obtained the patent for that which was in fact invented by another, who was using reasonable diligence in adapting and perfecting the same; or,

Third. That it has been patented or described in some printed publication prior to his supposed invention or discovery thereof; or,

Fourth. That he was not the original and first inventor or discoverer of any material and substantial part of the thing patented; on or

Fifth. That it had been in public use or on sale in this country for more than two years before his application for a patent, or had been abandoned to the public.

And in notice as to proof of previous invention, knowledge, or use of the thing

patented, the defendant shall state the names of patentees and the dates of their patents, and when granted, and the names and residences of the persons alleged to have invented or to have had the prior knowledge of the thing patented, and where and by whom it had been used; and if any one or more of the special matters alleged shall be found for the defendant, judgment shall be rendered for him with costs. And the like defences may be pleaded in any suit in equity for relief against an alleged infringement; and proofs of the same may be given upon like notice in the answer of the defendant, and with the like effect.

PATENT NOT VOID BECAUSE KNOWN IN A FOREIGN COUNTRY.

SEC. 62. *And be it further enacted*, That whenever it shall appear that the patentee, at the time of making his application for the patent, believed himself to be the original and first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been known or used in a foreign country, before his invention or discovery thereof, if it had not been patented, or described in a printed publication.

EXTENSION OF PATENTS.

SEC. 63. *And be it further enacted*, That where the patentee of an invention or discovery, the patent for which was granted prior to the second day of March, eighteen hundred and sixty-one, shall desire an extension of his patent beyond the original term of its limitation, he shall make application therefor, in writing, to the commissioner, setting forth the reason why such extension should be granted; and he shall also furnish a written statement under oath of the ascertained value of the invention or discovery, and of his receipts and expenditures on account thereof, sufficiently in detail to exhibit a true and faithful account of the loss and profit in any manner accruing to him by reason of said invention or discovery. And said application shall be filed not more than six months nor less than ninety days before the expiration of the original term of the patent, and no extension shall be granted after the expiration of said original term.

SEC. 64. *And be it further enacted*, That upon the receipt of such application, and the payment of the duty required by law, the commissioner shall cause to be published in one newspaper in the city of Washington, and in such other papers published in the section of the country most interested adversely to the extension of the patent as he may deem proper, for at least sixty days prior to the day set for hearing the case, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted.

SEC. 65. *And be it further enacted*, That on the publication of such notice, the Commissioner shall refer the case to the principal examiner having charge of the class of inventions to which it belongs, who shall make to said Commissioner a full report of the case, and particularly whether the invention or discovery was new and patentable when the original patent was granted.

SEC. 66. *And be it further enacted*, That the Commissioner shall, at the time and place designated in the published notice, hear and decide upon the evidence produced, both for and against the extension; and if it shall appear to his satisfaction that the patentee, without neglect or fault on his part, has failed to obtain from the use and sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it, and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the term of the patent should be extended, the said Commissioner shall make a certificate thereon, renewing and extending the said patent for the term of seven years from the expiration of the first term, which certificate shall be recorded in the Patent-Office, and thereupon the said patent shall have the same effect in law as though it had been originally granted for twenty-one years.

SEC. 67. *And be it further enacted*, That the benefit of the extension of a patent shall extend to the assignees and grantees of the right to use the thing patented to the extent of their interest therein.

OFFICIAL FEES.

SEC. 68. *And be it further enacted*, That the following shall be the rates for patent fees:

On filing each original application for a patent, fifteen dollars.

On issuing each original patent, twenty dollars.

On filing each caveat, ten dollars.

On every application for the reissue of a patent, thirty dollars.

On filing each disclaimer, ten dollars.

On every application for the extension of a patent, fifty dollars.

On the granting of every extension of a patent, fifty dollars.

On an appeal for the first time from the primary examiners to the examiners-in-chief, ten dollars.

On every appeal from the examiners-in-chief to the Commissioner, twenty dollars.

For certified copies of patents and other papers, ten cents per hundred words.

For recording every assignment, agreement, power of attorney, or other paper, of three hundred words or under, one dollar; of over three hundred and under one thousand words, two dollars, of over one thousand words, three dollars.

For copies of drawings, the reasonable cost of making them.

SEC. 69. *And be it further enacted*, That patent fees may be paid to the Commissioner, or to the treasurer, or any of the assistant treasurers of the United States, or to any of the designated depositaries, national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose, who shall give the depositor a receipt or certificate of deposit therefor. And all money received at the Patent-Office, for any purpose, or from any source whatever, shall be paid into the treasury as received, without any deduction whatever; and all disbursements for said office shall be made by the disbursing clerk of the Interior Department.

MONEY PAID BY MISTAKE RETURNED.

SEC. 70. *And be it further enacted*, That the treasurer of the United States is authorized to pay back any sum or sums of money to any person who shall have paid the same into the treasury, or to any receiver or depositary, to the credit of the treasurer, as for fees accruing at the Patent-Office through mistake, certificate thereof being made to said treasurer by the Commissioners of Patents.

DESIGN PATENTS.

SEC. 71. *And be it further enacted*, That any person who, by his own industry, genius, efforts, and expense, has invented or produced any new and original design for a manufacture, bust, statue, alto-relievo, or bas-relief; any new and original design for the printing of woollen, silk, cotton, or other fabrics; any new and original impression, ornament, pattern, print, or picture, to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known or used by others before his invention or production thereof, or patented or described in any printed publication, may, upon payment of the duty required by law, and other due proceedings had the same as in cases of inventions or discoveries, obtain a patent therefor.

SEC. 72. *And be it further enacted*, That the Commissioner may dispense with models of designs when the design can be sufficiently represented by drawings or photographs.

SEC. 73. *And be it further enacted*, That patents for designs may be granted for the term of three years and six months, or for seven years, or for fourteen years, as the applicant may, in his application, elect.

SEC. 74. *And be it further enacted*, That patentees of designs issued prior to March two, eighteen hundred and sixty-one, shall be entitled to extension of their

respective patents for the term of seven years, in the same manner and under the same restrictions as are provided for the extension of patents for inventions or discoveries, issued prior to the second day of March, eighteen hundred and sixty-one.

SEC. 75. *And be it further enacted*, That the following shall be the rates of fees in design cases:

For three years and six months, ten dollars.

For seven years, fifteen dollars.

For fourteen years, thirty dollars.

For all other cases in which fees are required, the same rates as in cases of inventions or discoveries.

SEC. 76. *And be it further enacted*, That all the regulations and provisions which apply to the obtaining or protection of patents for inventions or discoveries, not inconsistent with the provisions of this act, shall apply to patents for designs.

TRADE-MARKS.

SEC. 77. *And be it further enacted*, That any person or firm domiciled in the United States, and any corporation created by the authority of the United States, or of any State or territory thereof, and any person, firm, or corporation resident of or located in any foreign country which by treaty or convention affords similar privileges to citizens of the United States, and who are entitled to the exclusive use of any lawful trade-mark, or who intend to adopt and use any trade-mark for exclusive use within the United States, may obtain protection for such lawful trade-mark by complying with the following requirements, to wit:

First. By causing to be recorded in the Patent-Office the names of the parties and their residences and place of business, who desire the protection of the trade-mark.

Second. The class of merchandise and the particular description of goods comprised in such class, by which the trade-mark has been or is intended to be appropriated.

Third. A description of the trade-mark itself, with fac-similes thereof, and the mode in which it has been or is intended to be applied or used.

Fourth. The length of time, if any, during which the trade-mark has been used.

Fifth. The payment of a fee of twenty-five dollars, in the same manner and for the same purpose as the fee required for patents.

Sixth. The compliance with such regulations as may be prescribed by the Commissioner of Patents.

Seventh. The filing of a declaration, under the oath of the person, or of some member of the firm or officer of the corporation, to the effect that the party claiming protection for the trade-mark has a right to the use of the same, and that no other person, firm, or corporation has the right to such use, either in the identical form or having such near resemblance thereto as might be calculated to deceive, and that the description and fac-similes presented for record are true copies of the trade-mark sought to be protected.

DURATION OF TRADE-MARKS.

SEC. 78. *And be it further enacted*, That such trade-mark shall remain in force for thirty years from the date of such registration, except in cases where such trade-mark is claimed for and applied to articles not manufactured in this country and in which it receives protection under the laws of any foreign country for a shorter period, in which case it shall cease to have any force in this country by virtue of this act at the same time that it becomes of no effect elsewhere; and during the period that it remains in force it shall entitle the person, firm, or corporation registering the same to the exclusive use thereof so far as regards the description of goods to which it is appropriated in the statement filed under oath as aforesaid, and no other person shall lawfully use the same trade-mark, or sub-

stantially the same, or so nearly resembling it as to be calculated to deceive, upon substantially the same description of goods: *Provided*, That six months prior to the expiration of said term of thirty years, application may be made for a renewal of such registration, under regulations to be prescribed by the Commissioner of Patents, and the fee for such renewal shall be the same as for the original registration; certificate of such renewal shall be issued in the same manner as for the original registration, and such trade-mark shall remain in force for a further term of thirty years: *And provided further*, That nothing in this section shall be construed by any court as abridging or in any manner affecting unfavorably the claim of any person, firm, corporation, or company to any trade-mark after the expiration of the term for which such trade-mark was registered.

DAMAGES FOR IMITATING TRADE-MARKS.

SEC. 79. *And be it further enacted*, That any person or corporation who shall reproduce, counterfeit, copy, or imitate any such recorded trade-mark, and affix the same to goods of substantially the same descriptive properties and qualities as those referred to in the registration, shall be liable to an action in the case for damages for such wrongful use of said trade-mark, at the suit of the owner thereof, in any court of competent jurisdiction in the United States, and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful use of his trade-mark and to recover compensation therefor in any court having jurisdiction over the person guilty of such wrongful use. The Commissioner of Patents shall not receive and record any proposed trade-mark which is not and cannot become a lawful trade-mark, or which is merely the name of a person, firm, or corporation only, unaccompanied by a mark sufficient to distinguish it from the same name when used by other persons, or which is identical with the trade-mark appropriate to the same class of merchandise and belonging to a different owner, and already registered or received for registration, or which so nearly resembles such last-mentioned trade-mark as to be likely to deceive the public: *Provided*, That this section shall not prevent the registry of any lawful trade-mark rightfully used at the time of the passage of this act.

REGISTRATION OF TRADE-MARKS.

SEC. 80. *And be it further enacted*, That the time of the receipt of any trade-mark at the Patent-Office for registration shall be noted and recorded, and copies of the trade-mark and of the date of the receipt thereof, and of the statement filed therewith, under the seal of the Patent-Office, certified by the Commissioner, shall be evidence in any suit in which such trade-mark shall be brought in controversy.

TRANSFER OF TRADE-MARKS.

SEC. 81. *And be it further enacted*, That the Commissioner of Patents is authorized to make rules, regulations, and prescribe forms for the transfer of the right to the use of such trade-marks, conforming as nearly as practicable to the requirements of law respecting the transfer and transmission of copy-rights.

FRAUDULENT TRADE-MARKS.

SEC. 82. *And be it further enacted*, That any person who shall procure the registry of any trade-mark, or of himself as the owner thereof, or an entry respecting a trade-mark in the Patent-Office under this act, by making any false or fraudulent representations or declarations, verbally or in writing, or by any fraudulent means, shall be liable to pay damages in consequence of any such registry or entry to the person injured thereby, to be recovered in an action on the case before any court of competent jurisdiction within the United States.

SEC. 83. *And be it further enacted*, That nothing in this act shall prevent, lessen,

impeach, or avoid any remedy at law or in equity, which any party aggrieved by any wrongful use of any trade-mark might have had if this act had not been passed.

SEC. 84. *And be it further enacted*, That no action shall be maintained under the provisions of this act by any person claiming the exclusive right to any trade-mark which is used or claimed in any unlawful business, or upon any article which is injurious in itself, or upon any trade-mark which has been fraudulently obtained, or which has been formed and used with the design of deceiving the public in the purchase or use of any article of merchandise.

REPEALING CLAUSE AND SCHEDULE.

SEC. 111. *And be it further enacted*, That the acts and parts of acts set forth in the schedule of acts cited, hereto annexed, are hereby repealed, without reviving any acts or parts of acts repealed by any of said acts, or by any clause or provision therein: *Provided, however*, That the repeal hereby enacted shall not affect, impair, or take away any right existing under any of said laws; but all actions and causes of action, both in law and in equity, which have arisen under any of said laws may be commenced and prosecuted; and, if already commenced, may be prosecuted to final judgment and execution, in the same manner as though this act had not been passed, excepting that the remedial provisions of this act shall be applicable to all suits and proceedings hereafter commenced: *And provided also*, That all applications for patents pending at the time of the passage of this act, in cases where the duty has been paid, shall be proceeded with and acted on in the same manner as though filed after the passage thereof: *And provided further*, That all offences which are defined and punishable under any of said acts, and all penalties and forfeitures created thereby, and incurred before this act takes effect, may be prosecuted, sued for, and recovered, and such offences punished according to the provisions of said acts, which are continued in force for such purpose.

Schedule of statutes cited and repealed, as printed in the Statutes at Large, including such portions only of the appropriation bills referred to as are applicable to the Patent-Office.

PATENTS.

Act of July 4, 1836, chapter 357, volume 5, page 117.
March 3, 1837, chapter 45, volume 5, page 191.
March 3, 1839, chapter 88, volume 5, page 353.
August 29, 1842, chapter 263, volume 5, page 543.
August 6, 1846, chapter 90, volume 9, page 59.
May 27, 1848, chapter 47, volume 9, page 231.
March 3, 1849, chapter 108, volume 9, page 395.
March 3, 1851, chapter 32, volume 9, page 617.
August 30, 1852, chapter 107, volume 10, page 75.
August 31, 1852, chapter 108, volume 10, page 76.
March 3, 1853, chapter 97, volume 10, page 209.
April 22, 1854, chapter 52, volume 10, page 276.
March 3, 1855, chapter 175, volume 10, page 643.
August 18, 1856, chapter 129, volume 11, page 81.
March 3, 1859, chapter 80, volume 11, page 410.
February 18, 1861, chapter 37, volume 12, page 130.
March 2, 1861, chapter 88, volume 12, page 246.
March 3, 1863, chapter 102, volume 12, page 796.
June 25, 1864, chapter 159, volume 13, page 194.
March 3, 1865, chapter 112, volume 13, page 533.
June 27, 1866, chapter 143, volume 14, page 76.
March 29, 1867, chapter 17, volume 15, page 10.
July 20, 1868, chapter 177, volume 15, page 119.
July 23, 1868, chapter 227, volume 15, page 168.
March 3, 1869, chapter 121, volume 15, page 293.

FOREIGN PATENTS.

EXPENSES TO AMERICAN INVENTORS REDUCED.

PRICES CHARGED BY AMERICAN PATENT AGENTS UNREASONABLY LARGE.

SUMMARY OF FOREIGN PATENT LAWS,

WITH

DIRECTIONS FOR OBTAINING LETTERS-PATENT ABROAD.

THE COST OF OBTAINING FOREIGN PATENTS.

THE prices which it has become customary for American patent agents to charge for obtaining foreign patents are unreasonably large. These prices range from $100, as in France and Belgium, up tc $300, $400, and even $500, as in Great Britain and Russia; and the impression is conveyed that the government fees actually paid for obtaining patents in these foreign countries are so large that it is necessary to demand from the inventor here heavy sums; when the truth is, that in some of the foreign countries the government fees are less than in our own, and in none of them are they so high as to make it reasonable for the agents who conduct the business to exact from applicants the large sums they are in the habit of charging.

It is true that sometimes the American patent agent does not receive for his services more than a reasonable compensation; but this is because he himself is obliged to employ other agents here or abroad, and hand over to them a considerable portion of the fee received by him from the applicant.

In view of this state of things arrangements have been made, and connections established, by this office, in the capitals of European and other countries, for the purpose of obtaining letters-patent *directly* in every country of the world where patents are

issued, without obliging American inventors to pay large and unnecessary sums to intermediate agencies. A reduction of from 20 to 30 per cent. upon the fees ordinarily charged is thus effected.

The cost of obtaining letters-patent through this office in the several countries is hereafter stated under the name of each nation, and contrasted with the fees usually demanded by American patent agents. All desiring to obtain patents abroad will be interested to notice the considerable sums that may be saved to them by availing themselves of the advantages afforded in this office.

COUNTRIES GRANTING LETTERS-PATENT.

In the following-named foreign countries inventions are protected by letters-patent or their equivalent:—

AUSTRALIAN COLONIES, consisting of:
- QUEENSLAND,
- NEW ZEALAND,
- VICTORIA,
- NEW SOUTH WALES.

AUSTRIA,
BAVARIA,
BELGIUM,
BRAZIL,
BRITISH GUIANA,
CANADA,
CAPE OF GOOD HOPE,
CEYLON,
CHILI,
CUBA,
DENMARK,
EAST INDIES,
FRANCE,
GERMAN PRINCIPALITIES,
GREAT BRITAIN,
GREECE,
HOLLAND,
ITALY,
JAMAICA,
LUXEMBOURG,
MEXICO,
NEW GRANADA,
NORWAY AND SWEDEN,
NEW BRUNSWICK,
PARAGUAY,
PERU,
PHILIPPINE ISLANDS,
PORTO RICO,
PORTUGAL,
PRUSSIA,
RIO DE LA PLATA,
RUSSIA,
SAXONY,
SPAIN,
SURINAM,
TASMANIA,
TRINIDAD, and
WURTEMBERG.

IN WHAT COUNTRIES TO APPLY FOR PATENTS.

As is seen on the preceding page, nearly all the civilized governments of the world provide by law for securing to inventors exclusive property in their inventions and discoveries, for a limited time, by the issue to them of letters-patent. In some of these countries patents are of little value, on account of the absence of enterprise among the people; but in several of the more enlightened nations of Europe where manufacturing is carried on, and where all means of cheapening labor are eagerly sought for and employed, opportunities are afforded to inventors to make money by their inventions, of which it is well worth while for the American inventor to avail himself.

In all the progressive nations of Europe, and on this continent, inviting fields are open to American inventors. Of course, in all cases, some reference should be had to the character, habits, and pursuits of the people of the country in which it is proposed to introduce any given invention, and its adaptability to meet some wants that may exist among them. For example, among a manufacturing people, improvements in manufacturing machinery will be likely to find purchasers; where efforts are being made to improve implements of war, where large standing armies are maintained, and a military spirit prevails, improvements in guns, ammunition, &c., will find a market; where agriculture is the chief, or a principal employment of the people, there improvements in agricultural implements will be in demand. And so of all other patentable inventions and discoveries.

The countries in which at present the introduction of new inventions is most likely to prove profitable are,

Great Britain,	Denmark,
Russia,	Prussia,
France,	Italy,
Belgium,	Spain,
Austria,	Cuba,
The German Principalities,	Australian Colonies,
Wurtemberg,	Canada,
The Netherlands,	New Brunswick,
Bavaria,	British India,
Saxony,	Brazil,
Norway,	Mexico, and
Sweden,	Peru.

In some of the latter-named countries, patents are not of very great value, unless covering special inventions adapted to meet some peculiar want of the people.

GENERAL DIRECTIONS
FOR
OBTAINING FOREIGN PATENTS,
AND
SUMMARY OF FOREIGN PATENT LAWS.

The Patent Laws in the several countries differ considerably in respect to the formalities to be observed in the obtaining of patents under them, and all differ more or less from the patent laws of our own country; and in many cases a patent is rendered entirely valueless by failing to meet the special requirements of the law in preparing the papers filed with the application, or in neglecting, after the patent is obtained, to attend to the formalities and requisites necessary to continue the patent in force.

Very few of the patent agents in this country have the requisite knowledge of the patent laws of foreign States, or a sufficiently well-established or responsible connection abroad to render it advisable to entrust the important duties of a solicitor of foreign patents to their hands. The inventor confiding his application to them may ultimately discover that, in addition to having been obliged to pay an exorbitant fee, he has the misfortune to possess patents entirely worthless in the very countries by which they were granted.

Inventors and others desiring to secure the protection of foreign letters-patent on their inventions and discoveries, are invited to avail themselves of the facilities provided in this office, and thus save themselves the considerable unnecessary fees which otherwise they will have to pay. Those addressing us will please state in what countries abroad they wish to obtain protection for their inventions, when we will immediately give them such full and specific directions as may be necessary to meet their case.

If any question arises in the mind of one contemplating applying for foreign patents, not satisfactorily answered in the annexed summary of foreign patent laws, we will endeavor to reply fully to a letter of inquiry addressed to us.

PAYMENT OF FEES.

The cost indicated in each country *includes both the government fee required and the fee of this office.* The entire fees on foreign patents are payable, in advance, with the exchange, *in gold*, or its equivalent.

SUMMARY
OF
FOREIGN PATENT LAWS.

GREAT BRITAIN.

(Patent Law Amendment Act, 1852).

Under this law letters-patent embrace the United Kingdom of Great Britain and Ireland, and the Channel Islands and Isle of Man. The British Colonies have independent patent laws. The patent is granted for fourteen years, subject, after the first expenses are paid, to a government tax to be paid twice during its existence; the first within three years, and the second within seven years from its date. It is granted to the inventor, or to any other person who *first* makes an application for it. The law does not require that the patent should be introduced into use within any specified time. If a patent for the same invention has been issued in any other country, the British patent will expire with it.

The cost of a British patent, through this office, is.....$250

$75 of this fee only is required to be paid in advance, and the balance, $175, before the expiration of three months. The fees usually charged by American patent agents is $300 and upward—a saving of at least $50 to the applicant by this office.

RUSSIA.

(Ukase of November 2d, 1833, and October 23d, 1840.)

This law allows that patents may be demanded by the inventor or his assignee for the term of three, five, or ten years; but when the demand is made by a person other than the inventor or assignee, the term ranges from one to six years. No extension is allowed beyond the term for which the patent is originally issued; hence in taking out a Russian patent, it is best to obtain one for the longest term granted, namely, ten years. The invention should be worked within the first quarter of the term for which the patent is granted.

The cost of a Russian patent to the inventor, through this office, is:—

For the term of three years.....	$250
For the term of five years.....	350
For the term of ten years.....	550

The lowest published fee of American patent agents for obtaing Russian patents for the shortest term, viz., three years, is $400; and the fees for five and ten year patents are proportionately exorbitant.

A glance at the tariff required, as above, by us, is sufficient evidence of the advisability of inventors filing their applications for Russian patents through this office.

FRANCE.

(Law of July 5th, 1844.)

Patents under this law cover both France proper and her colonies, and are granted to the inventor or assignee. The maximum duration of a patent is fifteen years. Extensions may in very special cases be obtained by act of the legislative body. Extensions, however are rare; only two have been granted since 1844. Patents for improvements on an already patented invention may be obtained by the original inventor and patentee, during any years of the term of his original patent, and his applications for such patents for improvements take precedence over all others of a similar nature. The invention should be worked within two years of the date of the patent.

The cost of a French patent, through this office, is..... $85

This fee includes the first year's special government tax of $20. This tax must be paid before the expiration of every succeeding year, for the term of the patent.

The fee exacted by agents in this country for obtaining a French patent is never less than $100. The saving to inventors applying at this office is thus evident.

BELGIUM.

(Laws of May 24th, 1854, and March 25th, 1857.)

Patents are granted under this law for the term of twenty years to the inventor or his assignee. If, however, a patent has been previously obtained in any other country, the Belgian patent will expire with it. The invention should be worked within the year which follows its execution in any other country.

The cost of a Belgian patent, through this office, is..... $80

This fee includes the first year's tax of about $2, which increases annually, and must be paid each succeeding year so long as the patent is in force.

The usual cost of a Belgian patent, through American agencies, is $100 (sometimes more). A reduction of at least $20 is thus effected by this office.

AUSTRIA.

(Law of August 15th, 1852.)

The patent covers all the possessions of the empire. Its maximum duration is fifteen years. If the applicant for a patent is not an Austrian subject, the application must be made by the inventor himself or his assignee. If a patent has been obtained in another country, the Austrian patent is limited to the duration of such previously obtained patent. The invention should be worked within the Austrian territory before the expiration of the first year from the date of the grant. In case a prior foreign patent has been obtained, a copy of the same, duly legalized, must be filed. Patents may be extended beyond fifteen years by the Emperor.

The cost of an Austrian patent, for the first year, through this office, is..... $150

This includes the tax and municipal dues for the initial year. The subsequent taxes and dues are payable every year for the full term of the patent.

The lowest charge made by American agents is $200 for the first year. At least $50 is thus saved by applying through this office.

GERMAN PRINCIPALITIES.

ANHALT-DESSAU. — ANHALT-BERNBURG. — ANHALT-COETHEN.—BADEN.— BRUNSWICK.—HESSE-DARMSTADT.— HESSE-HOMBURG. — HOHENZOLLERN-SIGMARINGEN. — LIPPE-DETMOLD. — LIPPE-SCHAUMBURG. — MECKLENBURG-SCHWERIN. — MECKLENBURG-STRELITZ. — NASSAU. — OLDENBURG. — REUSS-SCHLEITZ.— REUSS-EBERSDORF. — REUSS-GREITZ. — SAXE-ALTENBURG.— SAXE-COBURG. —SAXE-MEININGEN. — SAXE-WEIMAR. — SCHWARZBURG-RUDOLSTADT. — SCHWARZBURG-SONDERSHAUSEN.

There exists in these principalities no special legislation in patent matters, but *protections* are granted by the government of each State on the report of a Polytechnic Commission, to which the applications are referred. As the decision of Prussia on an application for a patent for the same invention largely influences the report of the Polytechnic Commission, it is always best to submit the application to the examiners at Berlin before undertaking the expense attendant upon prosecuting it among the Principalities.

The cost of a patent in each of the Principalities, through the office. is.....$90

The customary charge made by patent agents in this country for similar patents, is $100 and upward. The advantage gained by applying through this office is thus apparent.

THE NETHERLANDS.

Patents are granted in this country by the Royal Institute of the Netherlands. If the applicant is a foreigner, he must be represented by a resident subject. Patents are granted for a term of fifteen years. The protection extends in the first instance for a period of two years, when upon the payment of the government fee then due, the patent will be granted to complete the full term, viz., fifteen years. If the protection is not renewed at the end of the first two years, as stated, the patent will not be granted.

The cost of the patent, securing the protection, for the first two years, through this office, is.....$130

The charge usually made by American patent agents is $150. A reduction of $20 at least, is thus secured.

WURTEMBERG.

(Law of August 5th, 1836.)

Patents are granted for a maximum duration of ten years to inventors or their assigns only. If a patent has been previously obtained in any other country, the Würtemberg patent will expire with it.

Patents obtained for terms less than the maximum of duration may be extended on petition presented twelve months before their expiration. The patent is usually obtained for a term of two years, subject to an extension. The invention should be continuously worked from before the end of the second year.

The cost of a Würtemberg patent for the term of two years, through this office, is.....$90

The customary charge made by American patent agents is $100.

BAVARIA.

(Law of September 11th, 1825, and Ordinance of December 17th, 1853.)

The longest term for which a patent is granted is fifteen years. Any person may become a patentee.

If a patent has previously been obtained in any other country, the Bavarian patent expires with it. A patent may be obtained for a lesser term than fifteen years, and prolonged year by year up to the full term. Patents are usually obtained for a term of two years. The invention should be worked within the two years.

The cost of a Bavarian patent for the term of two years, through this office, is.....$100.

The charge usually made by American patent agents is not less than $125.

SAXONY.

(Ordinance of January 20th, 1853.)

The patent is issued in the first instance for five years; but this period may be extended to ten years on petition. Patents are issued to foreigners when represented by resident subjects. The invention should be worked during the first year of the grant, but a delay may be had on reasonable grounds.

The cost of a Saxon patent for the term of five years, through this office is $125

The charge usually made by American patent agents is not less than $200.

DENMARK.

No special legislation exists. The term of the patent is fixed in each case by the government, and is granted to the inventor or his assignee. Native subjects can usually obtain patents for terms varying between three and twenty years. Foreigners seldom obtain patents for a longer term than five years. The invention should be continuously worked from the expiration of the first year.

The cost of a Danish patent, through this office, is about..$130

The charge usually made by American patent agents is much higher.

NORWAY.

(Law of July 19th, 1839; Royal Decrees of November 30th, 1841, and January 7th, 1856.)

Under existing laws the term for which the patent is granted varies between five and ten years, and is fixed by the government.

The time allowed for working the patent is also determined by the government.

The cost of applying for a Norwegian patent for the full term, through this office, is.....$175

The usual charge made by American patent agents is $250 to $300.

SWEDEN.

(Law of August 19th, 1856.)

The term of letters-patent varies from three to fifteen years, according to the importance that the examiners may attach to the invention.

If a patent has been previously obtained in another country, the Swedish patent will expire therewith. An alien applying for a patent must have a Swedish subject as a representative in whose name the patent issues. The invention should be worked within the first two years, but a delay may usually be obtained.

The cost of applying for a Swedish patent, for the full term, through this office, is.....$175

The usual charge made by American patent agents is $250 to $300.

PRUSSIA.

(Ministerial Instruction of Oct. 14th, 1815; Ordinance of May 7th, 1817, and Ministerial Circular of Sept. 18th, 1828.)

The duration of the patent varies between five and fifteen years, but seldom exceeds the latter period. The invention should be worked within six months from date of grant. A respite of six months more may be obtained, when good reasons are given.

The government of Prussia is not favorable to the granting of patents, hence it is with extreme difficulty that they are obtained. There must be radical novelty and positive utility in the invention, else the grant will be refused. There is a prospect, however, of a revision of the existing laws, and the institution of a better and more liberal code.

The cost of a Prussian patent, through this office, is.....$130

The usual fee charged by American patent agents is $150.

ITALY.

(Laws of March 12th, 1855; Oct. 30th, 1859; and Jan. 31st, 1864.)

The maximum duration of the patent is fifteen years; but this is limited by the term of any prior foreign patent. Applications may be made for any term of years between one and fifteen, and extended up to the attainment of the maximum. This mode of procedure compels the payment of a supplementary tax for each extension, and should therefore be avoided. The best plan is to obtain a patent, at first for three or six years, and if at the end of that time the invention has proved profitable, to petition for an extension by the payment of a simple prolongation tax. Patents for improvements may be incorporated with or added to the original grant, and disclaimers may be filed within six months from the date of the grant. Patents for less than five years should be worked within the first year of the grant; those of longer duration within the second year. Further delays may be obtained on showing good reasons.

The cost of an Italian patent for a term of three years, through this office, is.....$175

The fee usually charged by American patent agents is $200.

SPAIN.

(Law of March 27th, 1826; and Ordinances of June 14th, and December 30th, 1829; and January 11th, and July 18th, 1849.)

Every inventor, whether Spanish subject or alien, may obtain a patent for a term of five, ten, or fifteen years. If the patent be applied for by a person other than the inventor or his assignee, the term of the grant is limited to five years. Patents granted to inventors for a term of five years in the first instance may be extended to ten years; but those granted for longer terms than five years cannot be extended. The invention should be worked within a year and a day after the signature of the grant.

The cost of a Spanish patent issued to an inventor for the term of five years, through this office, is.....$250

The charge usually made for this patent by American patent agents is $400.

CUBA.

(Royal Decree of July 30th, 1833.)

The patent laws of this island resemble in all their details, requirements, restrictions, etc., the existing legislation in Spain.

The cost of a Cuban patent issued to the inventor for the term of five years, through this office, is.....$250

The charge usually made by American patent agents is never less than $400.

AUSTRALIAN COLONIES.

New South Wales.

(Act No. XXIV., Anno Decimo Sexto Victoriæ Reginæ.)

Patents, or registered letters of protection, are granted by this colony for terms varying between seven and fourteen years. The Governor-General fixes the term of the grant.

The cost of a patent in this colony, through this office, is..$290

The charges made by American patent agents never amount to less than $300.

Queensland.

Legislation, grants, expenses, &c., the same as in New South Wales.

Victoria.

(Law of March 11th, 1857.)

This law is in all essential points precisely similar to the British. The patent is issued for a maximum duration of fourteen years. The invention need not be worked in the colony. A delay of six months is allowed for the fulfilment of the formalities; but a completed specification must be deposited immediately upon making application. This specification may be modified during the six months' probation. The patent is issued under the Great Seal, in the name of the Queen, and in the same form as British patents.

The cost of applying for a patent in this colony, through this office, is.....$290

The charge made by American patent agents never amounts to less than $300.

New Zealand.

(Patent Act, 1860.)

Patents are issued for a term of fourteen years. No extensions are permitted. Patents cannot be granted to the holder of

a British patent, or to the holder of a patent in any other country; but a British patent may be registered in this colony, and thus affords the same protection as an original patent. Disclaimers or amendments may be filed at any time.

The cost of applying for a patent in this colony, through this office, is..... $185

The charges made by American patent agents are never less than $200.

CANADA.

(Law of 1869.)

This law resembles very closely in its details the existing laws on the same subject in the United States. The formalities and documents are nearly the same. There are, however, some points of difference.

A patent may be granted to an inventor, or his assignee, who duly qualifies himself as the first inventor, and makes oath to an actual residence in the Dominion for one year next before his application. A foreign patent taken out not more than six months before, does not disqualify from obtaining the Canadian. Patents are issued for five years, but two extensions of five years each may be obtained at the end of five and ten years. Disclaimers, amendments, and *caveats* may be filed, and are subject substantially to same conditions as under the United States law. Patents become void unless the invention is worked within three years and continuously; and it is also void if the patentee or his assignee imports the invented articles from abroad after eighteen months from the issue of the patent.

The cost of a Canadian patent, through this office, is about.. $100

The charge usually exacted by American patent agents is $150 to $200.

NEW BRUNSWICK.

Letters-patent are granted in this province, under existing legislation, to the inventor or his assignee, whether he be a resident citizen or an alien. The laws are liberal, and resemble somewhat those of our own country.

The cost of a patent in this province, through this office, is..... $110

The charge usually made by American patent agents is $125.

BRITISH INDIA.

(Law of March 19th, 1859.)

This law is based on the English Patent Act of 1852, although it dispenses with some of the formalities therein required.

Patents are granted for a term of fourteen years; but this term may, in some cases be extended by petition presented during the first half of the fourteenth year. Disclaimers may be filed, supported by oath, at any time during term of the patent.

The cost of a patent in British India for the full term of fourteen years, through this office, is..... $250

The charge usually exacted by American agents for this patent is the enormous fee of $400.

BRAZIL.

Imperial diplomas possessing the same virtue and legal force as letters-patent are granted by this government for terms which vary from five to twenty years. Diplomas are granted to any person, citizen or alien, who is the author or importer of the invention. The invention should be worked within two years from the date of the grant.

The cost of a Brazilian patent, through this office, is..... $350

The usual fee charged by American patent agents is from $400 to $600.

PERU.

The grants of letters-patent, and the privilege thereby secured, together with the formalities necessary, and the expenses incurred, are the same in this country as in Brazil.

MEXICO.

(Law of May 7th, 1832.)

Patents are granted under this law to inventors or their assignees, only, for a term of ten years. An extension may be obtained, after this term has expired, by special grant. The invention is supposed to be worked from the date of the grant, and native Mexicans employed in assisting thereto, if laborers prove necessary. The Government fee demanded in this country varies; it is fixed on each application when presented to the

proper authorities. The Government fee ranges from $20 up to $350.

The fee charged by this office, covering all expenses other than the Government tax (as above), is..... $300

The charges usually made by American patent agents, for their services alone, is $500.

A FURTHER REDUCTION

Of the fees named in the preceding summary will be made in many cases when two or more foreign patents are applied for at the same time by the same person. This renders still more apparent the great advantage to be gained by filing all foreign applications through this office. As before stated, *all the fees are payable in advance, together with exchange,* IN GOLD *or its equivalent.*

TAXES OR ANNUITIES UPON FOREIGN PATENTS.

Persons who are the holders or proprietors of foreign patents, upon which taxes or annuities are payable, can have these payments promptly attended to and remittances secured at this office upon application. All the necessary formalities of returning such patents as are subject to a return to the Government issuing them, for the stamping of receipt of tax thereon (as in Great Britain), will be conducted by this office with despatch. Our superior system of agencies abroad enables us to effect these matters with advantage to patentees or assignees of foreign patents.

A moderate fee is charged for the services rendered, but simply enough to cover the actual services, postage, and exchange. For futher particulars address this office.

MODELS.

Models are not required to accompany applications for foreign patents; but when the invention cannot be fully illustrated to this office by a drawing, it is required that a model be furnished us for temporary use in completing the official drawings and papers. The model will then be returned to the applicant on demand.

ASSIGNMENTS.

In nearly all the governments granting patents, provisions are made for the assignment of either a part or entire interest in the letters-patent.

These assignments are attended, under all governments allowing them, with certain very necessary formalities, which vary materially in the different countries.

Persons desirous of effecting assignments of interest in foreign patents are advised to address this office, in order that the legal formalities may be correctly complied with, and that the recording of the assignment and the payment of the requisite fees may be attended to with precision and despatch.

For services rendered in transactions of this nature, a moderate charge only will be made by this office, in addition to the governmental fee, the exchange, postage, etc.

A QUESTION OFTEN ASKED.

Inventors and others intending to take out letters-patent in foreign countries, invariably seek to know under what governments it is most advisable to secure protection. To obtain patents in all or in any great number of the countries granting them, is nearly always impossible to American inventors, because of the attendant expense; hence the question first asked is one intended to enlighten them in the matter of choice.

The selection should be governed very much, if not entirely, by the nature of the invention itself, and the relation it bears to any one, two, or more of the citizens of the various nationalities; their wants, proclivities, laws, customs, &c., &c., should be fully weighed, and the choice predicated thereupon. Unless, however, the invention be one of an importance and value equal to the steam-engine, the telegraph, or the sewing-machine, the securing of letters-patent in some five or six of the most advanced, civilized, and enlightened nations of the world will enable the inventor to possess a property in his discovery, the value of which would not be materially increased by the further securing of patents. The AMERICAN, BRITISH, FRENCH, RUSSIAN, and BELGIAN (and perhaps the AUSTRIAN) patents will enable their possessor, in all ordinary cases, to sufficiently cover his invention for the purpose of abundant pecuniary profit.

QUESTIONS RELATING TO FOREIGN PATENT LAWS.

Inventors and others desiring information upon any subject relating to the laws of foreign States, as affecting their inventions or already obtained patents, or in need of competent legal advice upon any matters connected with foreign patent laws not stated in the foregoing summary, should address us upon the subject, when a satisfactory answer will be returned.

INDEX.

PAGE

Appeals 13
Applications, Rejected 12, 20
do. Withdrawn 20
do. Forfeited 12
A Further Reduction 61
A Question often Asked 62
Assignments of American Patents 29
do. Foreign Patents 62
Australian Colonies, Patent Laws of 58
Austria, do. do. 53
Bavaria, Patent Laws of 54
Belgium, do. do. 52
Brazil, do. do 60
British India, do. do 60
Caveats 11, 26
Canada, Patent Laws of 59
Correspondence with this Office, Directions for 16
do. " the Patent Office 28
Countries granting Letters Patent 48
Cuba, Patent Laws of 57
Denmark, do. do. 55
Designs, Patents for 8
Disclaimers 24
Doing Business Correctly, Importance of 4
do. with this Office, General Directions for 6
Drawings 19
Examinations at Patent Office 20
Extensions 25
Foreign Patents 26, 47
do. do. Directions for Obtaining 50
do. do. Cost of Obtaining 47
do. do. Reduced Tariff of Fees on 50
do. do. Payment of Fees on 50
do. do. Taxes or Annuities upon 61
Foreign Patent Laws, Summary of 51
France, Patent Laws of 52

PAGE
General Information of Interest to Inventors..... 17
German Principalities, Patent Laws of..... 53
Great Britain, " " 51
Inquiries not Answered at Washington..... 15
Interferences..... 21
In What Countries to Apply for Patents..... 49
Italy, Patent Laws of..... 57
Mexico, do. do. 60
Models, American.....8, 19
do. Foreign..... 61
Netherlands, Patent Laws of the..... 54
New Brunswick, do. do. 59
Norway 55
Patents, Obtaining..... 7
do. Who May Obtain..... 17
do. How to Proceed to Obtain..... 18
do. Cost of Obtaining..... 7
do. Date of..... 20
do. Extension of..... 25
Patent Laws of United States..... 31
Patent Office Fees..... 27
Peru, Patent Laws of..... 60
Proper Caution to Inventors..... 15
Prussia, Patent Laws of..... 56
Questions Relating to Foreign Patent Laws..... 63
Reissues.....14, 23
Remittances, How to Make..... 16
Repayment of Money..... 27
Revenue Stamps..... 28
Russia, Patent Laws of..... 51
Saxony, do. do. 55
Spain, do. do. 57
Sweden, do. do. 56
To Ascertain if An Invention is Patentable..... 6
Trade-Marks, Protection for..... 10
Why Located in New York..... 4
Würtemberg, Patent Laws of..... 54

THE

UNITED STATES AND INTERNATIONAL

PATENT OFFICE

MANUAL.

DIRECTIONS FOR OBTAINING LETTERS PATENT,

AMERICAN AND FOREIGN PATENT LAWS,

AND MUCH OTHER USEFUL INFORMATION.

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1871.

THE

UNITED STATES & INTERNATIONAL PATENT OFFICE.

DEPARTMENT OF MECHANICS.

(ALL COMMUNICATIONS STRICTLY CONFIDENTIAL.)

The purpose and object of this Department are, to furnish to inventors and others possessing the faculty of invention the aid they may require in completing and practically carrying out their *unperfected inventions*. There is a large class of persons that are really inventors, who frequently originate *in thought* most valuable and important inventions, but being unable to carry out their conceptions and reduce them to practice, on account of not knowing exactly what mechanical appliances should be made use of, or how to select and adapt the material necessary, they become discouraged, their mental conceptions never assume a tangible or visible shape, and are lost to the inventors themselves as well as to the world.

All inventors of the class mentioned are invited to avail themselves of the aid offered in this Department of the Office, where, upon application, their *mental inventions* will be taken up and perfected for the benefit of their originators. The finest and best mechanical and scientific skill have been employed to take from these inventors their suggestions and thoughts, and fully develope them into useful and patentable form.

ENTIRE CONFIDENCE AND SECRECY ARE OBSERVED IN THIS DEPARTMENT, *and the strictest caution taken to preserve to the inventor his full rights. In every instance the invention will, when perfected, belong to the one who gave the original suggestion, irrespective of the services performed by this office.*

Inventors requiring aid in embodying their inventions in a patentable form, and desiring to communicate with this Department of the Office, may do so by letter, stating the exact nature of their invention, the end or object desired to be accomplished, and they should also, in all cases where it is possible, give such sketches or drawings of the invention, with as full a description thereof as they may be able to make or construct. It is important that this Department should gain a full and complete knowledge of the invention as far as it has gone or been developed in the mind of the inventor, as it may then be reduced to a practical form with greater facility and success.

The fees charged for services rendered in this Department will be according to the actual labor performed, and predicated somewhat upon the importance of the invention. In all cases they will be made as moderate as possible.

All inventors requiring aid are invited to open correspondence with this Department. In the reply to their letter of application will be given an opinion on the invention itself, relating to its novelty, utility, etc., and also a statement of the fee that will be charged for services to be rendered in the case. One half of this fee will then be payable, and the balance when the invention is perfected and transferred from this Department to the inventor.

The inventor may then secure Letters Patent for his perfected invention, in this country and abroad, through this office. See directions given in this Manual.

THE

United States and International

PATENT OFFICE.

FITCH & CO., DIRECTORS,

No. 21 PARK ROW,

NEW YORK.

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LONDON, BRUSSELS, PARIS, VIENNA,

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FOR INFORMATION CONCERNING

FOREIGN PATENTS,

SUMMARY OF FOREIGN PATENT LAWS,

REVISED TARIFF ESTABLISHED BY THIS OFFICE,

Etc., Etc., Etc.,

See Page 47 of this Manual.

FOR

REDUCED TARIFF ON FOREIGN PATENTS

AS ESTABLISHED BY THE

UNITED STATES AND INTERNATIONAL PATENT OFFICE,

See Page 47 of this Manual.

DEPARTMENT OF MECHANICS,

See Inside of Front Cover.

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